

27 February 2026

Department of Transport and Planning  
Attn: Julia Smith

**By Online Portal**

Dear Julia,

**PLANNING PERMIT – PA2403365  
SECTION 72 AMENDMENT APPLICATION  
NEERIM ROAD, MURRUMBEENA (Allotment 2012 East of Elsternwick, Parish of Prahra)**

**ADVERTISED  
PLAN**

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*Planning & Property Partners Pty Ltd* continue to act on behalf of *HHP MAKE NRM 1 Pty Ltd*.

We write following our recent pre-application meeting on 1 December 2025, in relation to the land known as Neerim Road, Murrumbeena, being Allotment 2012 East of Elsternwick, Parish of Prahra ('the Site') and proposed amendment to Planning Permit PA2403365 ('the Planning Permit') following the detailed design phase of the project and market feedback.

This submission also seeks to capture and address relevant conditional requirements of the Planning Permit required for town planning endorsement in order for the project to commence construction in the near future.

The Planning Permit was issued on 23 May 2025, and allows for:

*Clause 34.01-4 – To construct a building or construct or carry out works*

*Clause 52.06-3 – To reduce the car parking requirement*

*Clause 52.34-2 – To reduce the bicycle parking requirement*

The Site forms a wide, shallow length of land adjacent to the Murrumbeena Train Station and the associated rail reserve. The approved development by The Planning Permit comprises an eight-storey mixed-use building over a two-level basement. The approved building contains a supermarket and five other retail tenancies at ground floor level, and 110 apartments on the upper floors, including associated communal spaces and facilities. Vehicle and pedestrian access, and walkable thoroughfares to the rail reserve are provided at ground floor.

The Planning Permit was obtained in conjunction with a Planning Scheme Amendment (Amendment C267glen) to the Glen Eira Planning Scheme ('Planning Scheme') to rezone the land to more appropriately reflect the development and orderly planning of the immediate area. The Planning Permit was facilitated under the provisions of Clause 53.23 (Significant Residential Development with Affordable Housing) via the Development Facilitation Program ('DFP'). Condition 32 of the Planning Permit enforces the provision of an affordable housing contribution via an agreement under Section 173 of the Act.

We note that since the issuing of the Planning Permit, as part of the State Government's Activity Centre Program, Murrumbeena has been included as part of the Stage 1 Activity Centre Program. The draft maps released as part of the consultation phase for Stage 1, identify a proposed height of up to 10 storeys for the Site, amplifying the strong policy support for the Site's urban renewal and excellent location for additional dwellings and which needs to be considered as part of this amendment submission. Figure 1 below contains a copy of the draft maps forming part of the Activity Centre Program:

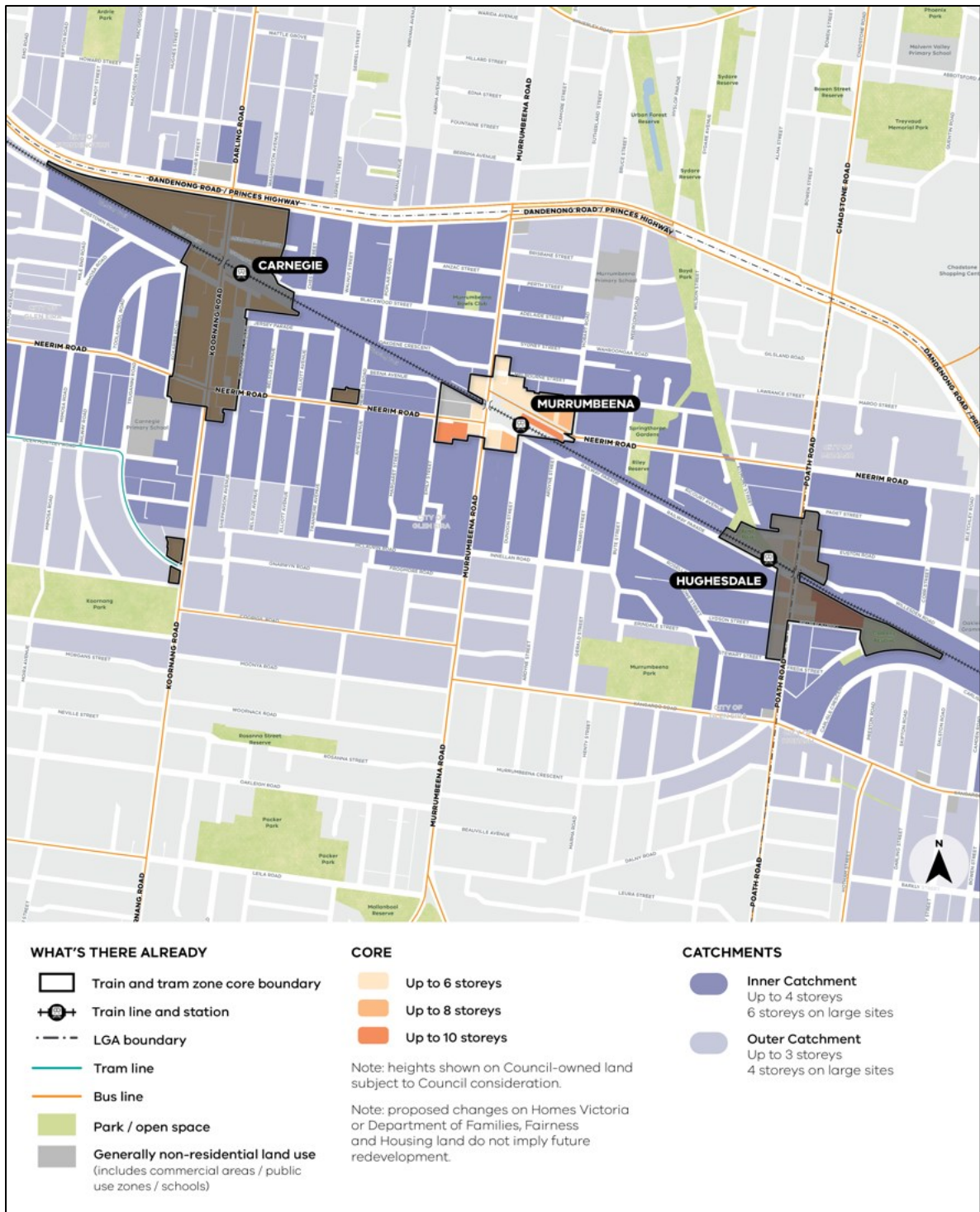


Figure 1: Draft Activity Centre Program Maps – Murrumbeena

Source: DTP

## PROPOSED AMENDMENTS AND SUPPORTING MATERIAL

Following the detailed design phase of the project and market feedback on the Planning Permit, a number of additional considerations have arisen since the original approval that have been integrated in an updated design response while ensuring the project continues to deliver a contextually appropriate response and high-quality architectural and urban design outcome to this location of Murrumbeena. This submission seeks to amend the Planning Permit to capture these considerations.

Firstly, the proposal includes revised Site boundaries which has occurred through an expanded site

area being a portion of the rail reserve land along the southern side of the Site. The additional land provides an additional two metres of length for the Site, widening at its western end. This slither of additional land is proposed to be formalised as a pedestrian connection within the Site, allowing increased accessibility for future residents and rail commuters and enhanced activation along the building's southern.

Secondly, through market feedback and subsequent design review undertaken by our client and project architect, the residential development program is sought to be amended, increasing the number of dwellings through revised floor plans. The revised dwelling mix still maintains a high level of compliance with Clause 58 performance standards and excellent internal amenity with added diversity and more affordable housing options for a range of suitors including first home buyers, down sizers and families.

With the increase in dwelling provision, the car and bicycle parking provisions are also revised, and an adjustment to those already approved under the original permit is sought to support the revised development, alongside the introduction of the new parking provisions into the Planning Scheme, introduced through Amendment VC277 on 18 December 2025

Resultant from these changes in site context and the design review process, the following changes to the Planning Permit and associated approved development are sought as part of this application and as informed in the architectural plans prepared by *Fieldwork*:

- Ground floor retail access arrangements are revised to primarily address Neerim Road and remove the extent of access via the arcade thoroughfares. Supermarket entrances are now to both Neerim Road and the southern rail reserve following the expanded area of the Site.
- The western lobby extended to create direct access via the western plaza.
- Removal of the central stairwell to the southern boundary, and introduction of curved, coloured risers to maintain accommodation of services and provide visual interest
- Expansion of the plaza open space that bookends the western side of the Site and development.
- The apartment composition and layout of each of the upper floors is revised following market feedback, with associated revised façade composition to the Site's northern Neerim Road frontage.
- Amended communal space provisions within the development. This includes the addition of a wellness space at Level 1, an increase in the size of the communal space at Level 5 with inclusion of coworking space to the internal component, and an increase to the size of both the internal and external western primary communal open space at Level 7. The eastern communal space at Level 7 is amended to now be a partially covered but entirely external space.
- An increase to the eastern setback of the building envelope at all residential levels.
- The streetwall and varied colour elements across the northern elevation increased by an additional storey, and a more porous balustrade finish applied to create an improved sense of openness while still defining their portions with solid slab edges.
- The central visual break in the northern façade at Level 5 widened to 7.7m
- Increase in the number of dwellings proposed from 110 to 144, including provision of studio dwellings and removal of all previous three-bedroom apartments.
- An increase of one residential car space provided within the basement, for a total provision of 74 residential spaces. Three additional motorbike spaces are provided for a total of five. No change to the 13 retail car spaces is proposed.
- Inclusion of 38 additional residential bicycle spaces, for a total of 148. Eight visitor bicycle spaces are also now proposed within the western plaza area, reducing the quantum of the reduction originally approved under the Planning Permit, and comfortably exceeding the minimum three spaces required under Condition 3c) of the Planning Permit

- Further to the inclusion of the additional southern land parcel, Condition 3h) is no longer directly relevant to the development approval, and is sought to be deleted for consistency.

A comprehensive statement of changes prepared by *Fieldwork* is provided at **Appendix A**, with an updated development summary included within the architectural package. The plans additionally include an outline of the Planning Permit decision plans footprint for comparison.

Concurrent with the design changes described above, this submission seeks endorsement of architectural plans pursuant to Condition 3 of the Planning Permit, as well as other associated reports and accompanying material required within relevant conditions of the Planning Permit. Those amendments required to the architectural plans to address conditions are also contained in the aforementioned Statement of Changes.

The following updated application material, and documentation is provided which addresses each relevant condition, subject to potential amendment of conditions as discussed below:

- Updated architectural plans (dated 27 February 2026), including a separate Façade Strategy, prepared by *Fieldwork* in responding to Conditions 3 and 5;
- An updated Landscape Plan prepared by *Mala*, in response to Condition 7 requirements.
- An updated Sustainability Management Plan, including Stormwater Management prepared by *Frater Consulting Services* in response to Condition 10 requirements
- Traffic and Car Parking Management Plan prepared by *Traffix Group Pty Ltd* in response to Condition 18 requirements.
- An updated Waste Management Plan prepared by *WSP*, in response to Condition 19 requirements.
- An updated Acoustic Report prepared by *Acoustic Logic Pty Ltd*, in response to Condition 20 requirements.
- An updated Wind Impact Assessment prepared by *Vipac Engineers and Scientists Limited*, in response to Condition 16 requirements.
- A Tree Protection Management Plan prepared by *Tree Department Pty Ltd*, in response to Condition 22
- A completed Environmental Audit prepared by *Salient GeoEnvironmental Consulting Pty Ltd* and signed off by Mr Warren Pump, in response to Condition 29 requirements.
- A draft 173 agreement prepared by *Planning & Property Partners Pty Ltd* in response to Condition 32 and affordable housing requirements.

## KEY CONSIDERATIONS

The overall purpose and design intent of the proposed amended design response remains consistent with the planning policy framework and activity centre site context. The amendments sought speak to refining and enhancing the presentation and design characteristics of the development and the renewed activation of the land in its urban context, whilst maintaining a high degree of internal amenity and performance for future residents.

To this end, the following key considerations associated with the amendment are deemed key to informing the appropriateness of this amended design response:

1. Amended façade presentation
2. Public realm interface and activation
3. Traffic and car parking
4. Apartment layouts and Clause 58 response

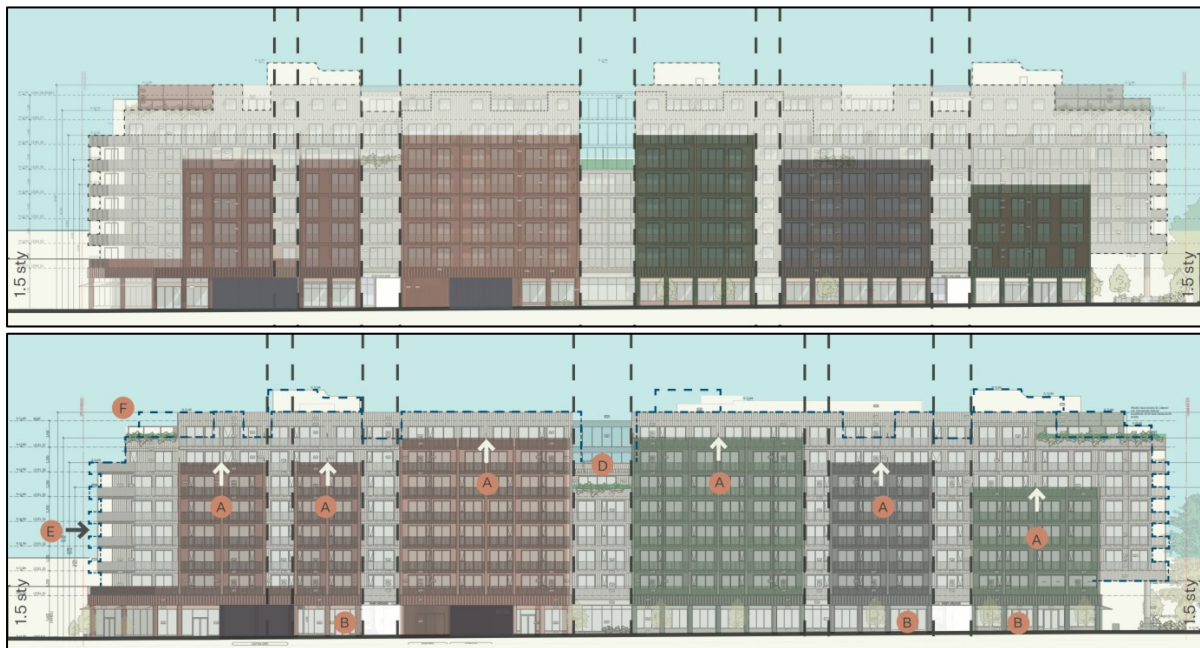
Each of these are discussed and addressed below:

## Amended Façade Presentation

The design of the Neerim Road façade has been adjusted and updated, altering the heights of some streetwall elements, and modifying the alignment of the visual breaks within the form.

The amended façade treatment still carries the same rationale and relationship to the surrounding context, with materiality and form continuing to capture certain identified elements of this section of Murrumbreena with the more earthy, warm colour palette applied on the eastern side of the streetwall in appreciating the residential context nearby and further east, while more cooler and softer blues, greys and greens are applied to the western end contrasting these colours and appreciating the commercial context on this western side and northern side of Neerim Road. The accompanying material includes a Façade Strategy in response to Condition 5 requirements, which further details the design rationale and intent.

The upper-level presentation remains consistent with the approved design through selective use of colour and materiality to provide visual breaks and distinction across the span of the built form in response to the Site's noted constraints. The stepped design of the coloured streetwall elements is increased in height by one level, whilst maintaining the stepping down towards the east and west edges of the form. Additionally, the central visual break between the two 'wings' of the form is increased in width slightly. A comparison of the current and amended designs is provided in Figures 1 and 2 below.



**Figure 2 & 3: Comparison of northern façade between decision plans (top) and proposed amended plans (bottom), showing the increased level of the coloured streetwall, recession of the eastern frontage, and increased central visual break.**

Source: Fieldwork

The amended street front presentation and façade detailing maintains the positive attributes of the original approval, including the material reference to the adjoining existing residential neighbourhood and commercial shopfronts, and articulated design to break up the span of the built form. The increase in the level of the streetwalls is mitigated by the variation in height and colour between each section and retained recessions between each streetwall element. These reveals define each component into varied clusters, with the revised balustrade detail providing a more open appearance and reducing the built form solidity.

Notwithstanding the proposed 10 storey height within the draft Activity Centre Program, the overall development height remains at eight storeys, albeit with minor adjustments to the envelope on the upper level, with the change in materiality and setbacks continuing to provide a recessive outcome. The increased setbacks to the eastern boundary provide a slightly reduced prominence of built form whilst maintain the continued public interface to the eastern pedestrian access.

The amended development will continue to contribute positively to the streetscape and the activity centre context. The refined design will allow an increase in the housing delivery proposition, without resulting in any detrimental impacts to the surrounds.



Figure 4: Perspective image of the eastern edge of the development from Neerim Road

Source: Fieldwork

### **Public Realm Interface and Activation**

The updated proposal also includes additional land along the southern and western sides of the current Site into the development boundaries. The development footprint is not proposed to be expanded into the southern two-metre span, and will provide a formal degree of breathing space to the movement and access through the site. The additional land does allow for new entry and access to the supermarket tenancy, and generally provides a greater activation of the southern side of the development towards the rail reserve via the thoroughfare arcades. Additionally, the western plaza area of the approved design is now proposed to be extended into the wider western end of the new land parcel, improving and expanding the open space offering of the development. Overall, the additional parcel provides for improved activation and public use around the development, which was previously constrained with only fire egress opportunities allowable.

The updated presentation to Neerim Road at ground floor includes a number of amendments to provide for an improved streetscape and pedestrian experience, through improving the connection and format to the public realm. The retail spaces now all include frontage via the Neerim Road frontage, which better purposes the arcade spaces as thoroughfares whilst focusing the retail activation to the street and drawing reference from the existing shopping strip to the immediate west. The arcades, along with the western plaza space, continue to provide pedestrian connection through the Site to the station forecourt and Djerring Trail.

These adjustments are considered to provide for a more resolved contribution at ground level with clearer distinction in uses and access, with activation more directly oriented to Neerim Road, and improved wayfinding and access through the Site to the adjoining transport and recreation spaces.

### **Traffic and Car Parking**

The activity centre context of the Site continues to support an integrated transport orientated development. The recent changes to Clause 52.06 via Amendment VC277 have changed the provisions and requirements with regard to statutory car parking requirements on the Site. Along with

the amended design and its increased dwelling provision, this means updated consideration of the parking provisions and modification to the current Planning Permit's car parking reduction are required to support the amended development.

An updated Traffic and Carparking Management Plan by *Traffix Group Pty Ltd* is provided in the accompanying material, which reviews the amended parking provision and transport demands for the proposal. The assessment demonstrates that the parking demand, arrangement, and site access continue to satisfy relevant design standards.

A summary of the currently approved car parking and bicycle parking provision against the proposed amended development is provided in the table below.

Parking Provision	Approved Application		Amended Proposal	
	Required	Provided	Required (Cat. 3)	Provided
Car (Residential)	122	73 (-49)	Min. 0 – Max. 288	74
Car (Retail)	14	13 (-41)	Min. 0 – Max. 8	13
Car (Supermarket)	40		Min. 0 – Max. 20	
<b>Car (Total)</b>	<b>176</b>	<b>86 (-90)</b>	<b>Min. 0 – Max. 316</b>	<b>87</b>
Bicycle (Residential)	22	110	28	148
Bicycle (Retail)	2	4	2	4
Bicycle (Visitor/Customer)	14	0 (-14)	17	8 (-9)
<b>Bicycle (Total)</b>	<b>38</b>	<b>114</b>	<b>47</b>	<b>160</b>

### *Car Parking*

Under the new VC277 controls, the Site is located in a 'Category 3' area per the Department of Transport and Planning's Car Parking Requirement Maps. Category 3 areas have both a minimum and maximum car parking requirement, with the increased dwellings and adjusted retail spaces now having a total statutory car parking rate ranging between 0 and 316 car parking spaces.

The basement parking arrangement in the amended plans now provides 87 car parking spaces in total, which is within the statutory range provided, and therefore compliant with the required delivery. Updated review of the full parking arrangements and design are provided for in the updated report by *Traffix Group*.

As the proposed amendment now complies with the applicable parking provisions and no longer requires a planning permit, the parking reduction permit trigger currently contained within the Planning Permit's preamble. This has been reflected in the proposed tracked-changes copy of the Planning Permit provided at **Appendix C**.

### *Bicycle Parking*

The provision of residential bicycle spaces continues to provide at least one bicycle space per dwelling, vastly exceeding the statutory rate under Clause 52.34. The provision for retail staff is unchanged from the currently approved program.

Noting Condition 3c) requires the addition of three publicly accessible visitor bicycle spaces on the site, the provision of eight new onsite visitor spaces surpasses this condition. Given the proposed inclusion results in a reduced reduction than the originally conditioned approval, the amended proposal provides an improved response with regard to bicycle parking, and is therefore not a contentious aspect of the amended proposal.

### *Traffic and Parking Design*

The development plans maintain the same vehicle access arrangements as the approved development, with a single point of entry and egress to basement parking for both residential and retail spaces at the eastern end of the site. A separate ground level access for waste and delivery vehicles is retained further west of the basement entry.

The Car Parking Management Plan and Waste Management Plan provided by *Traffix Group Pty Ltd* demonstrate the compliant design and operation of the vehicle and movement within the Site, and are suitable for endorsement under Conditions 3m), 3n), 18 and 19 of the Planning Permit.

### **Apartment Layouts and Clause 58 Response**

The dwelling mix will introduce the inclusion of studio apartments, in addition to the one- and two-bedroom units. To accommodate the increased provision, the balance of three-bedroom units has been removed from the proposal. The table below provides a comparison of the currently approved and proposed dwelling offering:

Unit Type	Approved	Proposed
Studio	-	29
1 Bedroom	29	88 (38 with study)
2 Bedroom	69	27
3 Bedroom	12	-
<b>Total</b>	<b>110</b>	<b>144</b>

The development will still provide an excellent response to the objective of Standard D3 under Clause 58, providing for a mix of apartment types and sizes through the revised unit mix, and the apartments are all still highly compliant with all internal amenity provisions and standards within Clause 58. A detailed assessment against all objectives and standards of Clause 58 is provided at **Appendix B**.

The dwelling typology of the development is sought to be altered in response to market feedback and conditions, with an increased demand for more one-bedroom and studio apartment typologies. The proposed change is a direct response to market feedback and the sales our client has experienced with nearby projects across Metropolitan Melbourne, where the market demand for three-bedroom apartments is simply not evident.

As advised in our pre-application meeting current trends are informing the need and demand for primarily more one bedroom dwellings due to their more affordable price point. The revised layout of the apartments proposed by this application still enables and provides opportunities for larger apartment styles and layouts, if for instance the market does change or purchaser request seeks consolidation of apartments.

In addition to the internal apartment standards, the development as a whole maintains a high degree of compliance with all aspects of Clause 58 and improves upon the currently approved development on some elements.

The revised unit provision for the development continue to deliver a variation of layouts and typologies that will appropriately provide for a range of future occupants. The dwellings are firmly compliant with the applicable design and amenity standards, and will provide for comfortable, accessible housing.

### **ENDORSEMENT OF PLANS**

Pursuant of Condition 3 of the permit, amended plans and associated documentation are required to be endorsed prior to works commencing. The plans and accompanying reports provided in the enclosed material are sought to be endorsed concurrently as part of the amendment approval process.

To assist, we provide the following responses to Condition 3 requirements of the Planning Permit:

**Condition 3a)** – *Design details (height and materiality) of privacy screens proposed on balconies to mitigate against internal overlooking.*

- All balconies are screening in appropriately and comply with Standard D15. All balconies are separated by either full-height solid walls, or solid privacy screens to a minimum of 1.7m in height. Refer to the annotations on Plans TP2103 – 2109 for inclusion of this detailing.

**Condition 3b)** – *The size of storage cages in cubic metres shown on the plans, along with their allocation, ensuring compliance with Clause 58.05-4 (Storage).*

- All basement storage cages that are required to achieve compliance are annotated with their allocated dwelling and volume. Refer to Plans TP2100 & TP2101 for cage locations, and to Plans TP7001–TP7004 for Clause 58 assessment, including Clause 58.05-4 compliance and clarification of internal/external storage allocated to each dwelling.

**Condition 3c)** – *A minimum of 3 conveniently located customer/visitor bicycle parking spaces provided either internally or externally on the site for the commercial uses.*

- A total of eight easily accessible customer/visitor bicycle spaces are provided to the external plaza space at the western end of the Site, with this provided as part of the overall landscaping and thus notation is included on the architectural plans to

**Condition 3d)** – *A minimum 6m dimensioned setback between the basement carpark gate and property boundary, to ensure vehicles can prop within the property boundary, clear of the footpath.*

- Dimensions on the plans confirms a setback of 6.5m from the northern property boundary to the basement car park entry gate. Refer to Plan TP2102.

**Condition 3e)** – *A notation on the ground floor plans stating the ground level arcades will remain open for public access between at least 6am and 10pm, 7 day per week.*

- Annotation is included to both arcades on the ground floor plan which reads “Arcade to be available for public access 6am – 10pm, 7 days per week.” Refer to Plan TP2102.

**Condition 3f)** – *A notation on the ground floor plans stating the western pocket plaza will remain publicly accessible 24 hours a day, 7 days per week.*

- Annotation is included on the western plaza on the ground floor plan which reads “Plaza to be available for public access 24 hours per day, 7 days per week.” Refer to Plan TP2102.

**Condition 3g)** – *Noise attenuation measures as recommended in the Acoustic Report.*

- All necessary acoustic features provided by the Acoustic Report are indicated on the plans. Annotation is also included on the architectural plans confirming the development is to be in accordance with the endorsed Acoustic Report.

**Condition 3h)** – *No encroachment of fire egress doors over land to the south, unless otherwise agreed by the Head, Transport for Victoria and Victorian Rail Track.*

- As discussed above, the parcel of rail reserve land to the south is now included in the development Site. As such, the fire egress doors open entirely within the new Site boundaries and are clear of the adjoining rail corridor and station land. Condition 3h) is therefore now redundant, and it is requested to be deleted from the Planning Permit as part of this amendment.

**Condition 3i)** – *All sustainability commitments in accordance with the Sustainability Management Plan.*

- The architectural plans include detailing of all relevant sustainability features of the development. Annotation is included on the architectural plans confirming the development is to be in accordance with the endorsed Sustainability Management Plan.

**Condition 3j)** – *Any changes required by the Façade Strategy.*

- A Façade Strategy is provided with the application for endorsement in accordance with Condition 5 of the Planning Permit. Annotation is also included on the architectural plans confirming the development is to be in accordance with the endorsed Façade Strategy.

**Condition 3k)** – *Any changes required by the Landscape Plan.*

- An updated Landscape Plan is provided with the application for endorsement in accordance with Condition 7 of the Planning Permit. This includes a clear north-south pedestrian link through the undercroft space on its western end as required by Condition 7J), widening the existing connection through to the station forecourt and outdoor dining located east of this.

Annotation is included on the architectural plans confirming the development is to be in accordance with the endorsed Landscape Plan.

**Condition 3l) – Any changes required by the Sustainability Management Plan.**

- An updated Sustainability Management Plan is provided with the application for endorsement in accordance with Condition 10 of the Planning Permit. Annotation is included on the architectural plans confirming the development is to be in accordance with the endorsed Sustainability Management Plan.

**Condition 3m) – Any changes required by the Car Parking and Traffic Management Plan.**

- An updated Traffic and Parking Management Plan is provided with the application for endorsement in accordance with Condition 18 of the Planning Permit. All relevant dimensions, ramp gradients and other notations are included in the architectural plans consistent with the Management Plan. Annotation is also included on the architectural plans confirming the development is to be in accordance with the endorsed Car parking and Traffic Management Plan.

**Condition 3n) – Any changes required by the Waste Management Plan.**

- An updated Waste Management Plan by WSP is provided with the application for endorsement in accordance with Condition 19 of the Planning Permit. Annotation is included on the architectural plans confirming the development is to be in accordance with the endorsed Waste Management Plan.

**Condition 3o) – Any changes required by the Acoustic Report.**

- An updated Acoustic Report is provided with the application for endorsement in accordance with Condition 20 of the Planning Permit. Annotation is included on the architectural plans confirming the development is to be in accordance with the endorsed Acoustic Report.

In addition to Condition 3, additional reports and documentation are required by later conditions of the permit which are also included for endorsement/dischargement in the accompanying material, as follows:

- **Condition 12** – Stormwater Management Plan (contained within the Sustainability Management Plan)
- **Condition 16** – Wind Impact Assessment
- **Condition 22** – Tree Protection Management Plan
- **Condition 29** – Environmental Audit
- **Condition 32** – Draft 173 Agreement – Affordable Housing

We trust the accompanying architectural plans and consultant reports satisfy the relevant endorsement conditions of the Planning Permit, subject to those amendments to condition wording as noted.

## **CONCLUSION**

As elaborated, the amendments sought in this application are considered unobtrusive and strategically sound. The amended development design remains conducive to realising the full amenity and utility of the Site in continuing to acknowledge its constraints and its central location within the Murrumbena Activity Centre, which has been further acknowledged in the State Government's Activity Centre Program.

The amended design expands upon the original housing provision and maintains a high-quality response to the objectives of the Clause 53.23 mechanism for delivery.

We trust the material provided will allow for a favourable review of the amended proposal, including the approval of the plans and supporting documentation to facilitate commencement of the project in due course.

Please contact the undersigned on 8626 9090 (wilson@pppartners.com.au) should the Department have any queries regarding this amendment application.

Yours faithfully,



**MATHEW WILSON**  
**Planning & Property Partners Pty Ltd**  
Encl.

**Appendix A**  
Statement of Changes

**Appendix B**  
Clause 58 Assessment

**Appendix C**  
Tracked-Changes Planning Permit

FROM

FIELDWORK  
150 Langridge Street  
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TO

Mathew Wilson  
Planning & Property Partners  
wilson@pppartners.com.au

**27.02.2026**  
**Statement of Design Changes**

Dear Mathew,

Further to the architectural plans submitted for Section 72 Amendment to PA2403365, please find below a summary of changes to the design.

#### Permit Conditions

- Condition 1(a) – notations on all floor plans added of the walls and partitions between balconies mitigating overlooking.
- Condition 1(b) - Allocation of the storage cages are shown within the building's basement.
- Condition 1(c) – 8no. visitor bicycle spaces shown on pocket plaza on ground floor.
- Condition 1(d) – setback from property boundary to carpark gate is annotated.
- Condition 1(e) & (f) – Notations added on ground floor pocket plaza and arcades stating the opening hours of the public areas.
- Condition 1(g) – notation as required by acoustic report added to plans.
- Condition 1(i) – Condition 1(o) – Notations added on all floor plans and elevations regarding Condition-Required documents.
- Condition 5 – Separate Façade Strategy Package has been prepared to address Façade Strategy Conditions.

#### Generally

- Revision to apartment mix and configuration, resulting in the removal of all three-bedroom dwellings, a reduction in the number of two-bedroom dwellings, and a corresponding increase in one-bedroom dwellings, including the introduction of studio apartments. This results in an increase in dwelling yield from 110 to 144 dwellings (+34).
- Amendments to all apartment types and associated façade articulation, with reconfiguration of elevation rhythm and breaks to align with the revised apartment mix.
- Reconfiguration of building core layout and services across basement, core and roof levels, including removal of the central stair, following consultant advice.
- Updated south and north-east boundary location shown, reflecting proposed future acquisition from the State.

FROM

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- Notes added to clarify methods of measurement, with the retail Method of Measurement revised to GLA-R.

#### Basement and parking

- Reconfiguration of basement car parking layout and reduction in basement footprint following consultant spatial advice.
- Relocation of retail car parking spaces to Basement Level 2, with removal of the EOT provision.
- Increase in residential car parking from 73 to 74 spaces (+1) and increase in motorbike parking from 2 to 5 spaces (+3).
- Increase in bicycle parking from 128 to 160 spaces (+32) and increase in storage cages from 97 to 144 (+47).

#### Ground level

- Relocation of all retail tenancy entries to the Neerim Road frontage, allowing the arcades to retain a clear residential address while continuing to function as public pedestrian thoroughfares.
- Rationalisation of supermarket access, including relocation of the primary entry from the arcades to Neerim Road, introduction of another egress door to Neerim Road, and secondary entry along the railway interface to improve convenience and site permeability.
- New western residential lobby entry introduced from the pocket plaza to strengthen activation and improve resident access.

#### Built form, façade and materials

- Increase of one storey to articulated and coloured northern street wall elements to accommodate the revised apartment mix and enable structural efficiencies.
- Removal of solid backing to the north-facing upper-level balustrades within the coloured façade portions to increase visual porosity.
- Slightly widened central visual break to improve façade articulation.
- Increased eastern balcony setbacks.
- Introduction of coloured exposed circular service risers to south façade to enhance visual character.
- Increased balustrade heights to south façade walkways (Levels 4–7) and removal of additional mesh above south façade walkway balustrades.
- **Revision of building core finishes**, with ground-level formliner precast replaced by a tiled finish to improve buildability and durability, and

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additional vertical formliner articulation removed following buildability advice.

- Replacement of reeded glazing with more durable glass blocks at the loading dock and carpark ramp.

#### Residential Amenity

- Reconfiguration of the Level 5 north-facing communal terrace to an internal co-working space to provide flexible, weather-protected shared amenity.
- Reconfiguration of the Level 7 eastern communal room as an external amenity space.
- Introduction of additional residential amenity, including a wellness space at Level 1 and workshop and dog wash facilities within the basement.

#### Additional documentation

- New drawing TP9015 provided to demonstrate solar access to Level 7 communal areas.

Yours sincerely,

**Elina Luostarinen**  
Project Architect

-

**on behalf of Fieldwork**

<b>Clause 58 Assessment</b> <b>NEERIM ROAD, MURRUMBEENA</b>	
<p><b>Clause 58:</b></p> <p><b>Requirements:</b></p> <ul style="list-style-type: none"> <li>• A development <u>must</u> meet all objectives.</li> <li>• A development <u>should</u> meet all standards.</li> </ul> <p>If a zone or a schedule to a zone, or a schedule to an overlay specifies a requirement different from a requirement of a standard set out in Clause 58 (excluding Clause 58.04-1), the requirement in Clause 58 applies.</p> <p>For Clause 58.04-1 (Building setback):</p> <ul style="list-style-type: none"> <li>• <i>If a zone or a schedule to a zone specifies a building setback requirement different from a requirement set out in Clause 58.04-1, the building setback requirement in the zone or a schedule to the zone applies.</i></li> <li>• <i>If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.</i></li> </ul>	<p><b>Applicant's Assessment</b></p>
<p><b>Clause 58.01-1:</b></p> <p><b>Urban Context Report and Design Response</b></p> <p>An application <u>must</u> be accompanied by:</p> <ul style="list-style-type: none"> <li>• An urban context report.</li> <li>• A design response.</li> </ul>	<p><b>Complies</b></p> <p>The approval history and discussion in the report together with the accompanying architectural package provide a thorough description of the design response to the context of the Site.</p>
<p><b>Clause 58.01-2:</b></p> <p><b>Urban context report</b></p> <p>The urban context report may use a site plan, photographs or other techniques and <u>must</u> include:</p> <p>An accurate description of:</p> <ul style="list-style-type: none"> <li>• Site shape, size, orientation and easements.</li> <li>• Levels and contours of the site and the difference in levels between the site and surrounding properties.</li> <li>• The location and height of existing buildings on the site and surrounding properties.</li> <li>• The use of surrounding buildings.</li> <li>• The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.</li> <li>• Solar access to the site and to surrounding properties.</li> <li>• Views to and from the site.</li> <li>• Street frontage features such as poles, street trees and kerb crossovers.</li> </ul>	<p><b>Complies</b></p> <p>The report and architectural plans both demonstrate that the amended development design continues to respond appropriately to the surrounding context, with adjoining built form and land uses indicated, interfaces with adjoining land addressed, and circulation and connections through the Site described.</p>

<ul style="list-style-type: none"> <li>• The location of local shops, public transport services and public open spaces within walking distance.</li> <li>• Movement systems through and around the site.</li> <li>• Any other notable feature or characteristic of the site.</li> </ul> <p>An assessment of the characteristics of the area including:</p> <ul style="list-style-type: none"> <li>• Any environmental features such as vegetation topography and significant views.</li> <li>• The pattern of subdivision.</li> <li>• Street design and landscape.</li> <li>• The pattern of development.</li> <li>• Building form, scale and rhythm.</li> <li>• Connection to the public realm.</li> <li>• Architectural style, building details and materials.</li> <li>• Off-site noise sources.</li> <li>• The relevant NatHERS climate zones (as identified in Clause 58.03-1).</li> <li>• Social and economic activity.</li> <li>• Any other notable or cultural characteristics of the area.</li> </ul>	
<p><b>Clause 58.01-3: Design Response</b></p> <p>The design response <u>must</u> explain how the proposed design:</p> <ul style="list-style-type: none"> <li>• Responds to any relevant planning provision that applies to the land.</li> <li>• Meets the objectives of Clause 58.</li> <li>• Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.</li> <li>• Selects materials and finishes for the external walls.</li> <li>• Derives from and responds to the urban context report.</li> </ul> <p>The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.</p>	<p><b>Complies</b></p> <p>The architectural plans and report outlay the key features in the amended design, and how they maintain a positive response to the applicable planning considerations. This is supplemented by landscaping and traffic documentation and a detailed façade strategy prepared by the project architects <i>Fieldwork</i>.</p> <p>This appendix also provides a fully updated Clause 58 response.</p> <p>The cumulative documents accompanying the amendment provide all the necessary material to demonstrate the satisfactory design response.</p>
<p><b>Clause 58.02-1 – Urban Context Objectives</b></p> <ul style="list-style-type: none"> <li>• To ensure that the design respects the existing urban context or contributes to the preferred future development of the area.</li> <li>• To ensure the development responds to the features of the site and surrounding area.</li> </ul> <p><b>Standard D1 (cannot be varied)</b></p> <ul style="list-style-type: none"> <li>• The design response <u>must</u> be appropriate to the urban context and the site.</li> <li>• The proposed design <u>must</u> respect the existing or preferred urban context and respond to the features of the site.</li> </ul> <p><b>Decision Guidelines</b></p>	<p><b>Complies</b></p> <p>As discussed further in the Key Considerations section of this report, the amended development continues to provide an appropriate response to the development context controls of the Site.</p> <p>The amended development plans provided by <i>Fieldwork</i> include the site features and surrounding context, and demonstrate the positive contribution to the existing urban context.</p>

<p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• Any relevant urban design objective, policy or statement set out in this scheme.</li> <li>• The urban context report.</li> <li>• The design response.</li> </ul>	
<p><b>Clause 58.02-2 – Residential Policy Objectives</b></p> <ul style="list-style-type: none"> <li>• To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>• To support higher density residential development where development can take advantage of public and community infrastructure and services.</li> </ul> <p><b>Standard D2 (cannot be varied)</b></p> <p>An application <u>must</u> be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• The Municipal Planning Strategy and the Planning Policy Framework.</li> <li>• The design response.</li> </ul>	<p><b>Complies</b></p> <p>The updated proposal still includes a properly mixed-use program with a range of residential units (including an affordable delivery component) in a higher density form above flexible retail offerings, and integrates with the surrounding context through pedestrian access and surrounding pathways.</p> <p>This directly responds to and addresses both State and Local Planning Policy Frameworks, providing increased housing in an activity centre setting close to services, transport and commercial offerings. The development will form a positive contribution to the development and consolidation of the Murrumbena activity centre program.</p>
<p><b>Clause 58.02-3 – Dwelling Diversity Objective</b></p> <ul style="list-style-type: none"> <li>• To encourage a range of dwelling sizes and types in development of ten or more dwellings.</li> </ul> <p><b>Standard D3 (can be varied)</b></p> <p>Developments of 10 or more dwellings <u>should</u> provide a range of dwelling sizes and types including dwellings with a different number of bedrooms.</p> <p><i>There are no decision guidelines for this objective and standard.</i></p>	<p><b>Complies</b></p> <p>The amended development design continues to deliver a range of unit types with varied layouts, adjusted to provide a more aligned mix to address current residential demand and conditions.</p> <p>The floor plates have also been deliberately designed to allow a degree of flexibility and consolidation if expanded units were sought in future following market feedback or purchaser requests.</p>
<p><b>Clause 58.02-4 – Infrastructure Objectives</b></p> <ul style="list-style-type: none"> <li>• To ensure development is provided with appropriate utility services and infrastructure.</li> <li>• To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul> <p><b>Standard D4 (can be varied)</b></p> <ul style="list-style-type: none"> <li>• Development <u>should</u> be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available.</li> <li>• Developments <u>should not</u> unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</li> </ul>	<p><b>Complies</b></p> <p>The amended development design is still able to be connected to all necessary residential and commercial services for the scope of the design and will not generate unreasonable impact on the local infrastructure.</p> <p>The integrated rainwater collection and use system still forms part of the amended design, reducing the extent of burden on existing drainage infrastructure.</p>

<ul style="list-style-type: none"> <li>• In areas where utility services or infrastructure have little or no space capacity, developments <u>should</u> provide for the upgrading or mitigation of the impact on services or infrastructure.</li> </ul> <p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority <u>must</u> consider:</p> <ul style="list-style-type: none"> <li>• The capacity of the existing infrastructure.</li> <li>• In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.</li> <li>• If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.</li> </ul>	
<p><b>Clause 58.02-5 – Integration with the Street Objective</b></p> <ul style="list-style-type: none"> <li>• To integrate the layout of development with the street.</li> <li>• To support development that activates street frontages.</li> </ul> <p><b>Standard D5</b></p> <p>Development <u>should</u> be orientated to front existing and proposed streets.</p> <p>Along street frontage, development should:</p> <ul style="list-style-type: none"> <li>• Incorporate pedestrian entries, windows, balconies or other active spaces.</li> <li>• Limit blank walls.</li> <li>• Limit high front fencing, unless consistent with the existing urban context.</li> <li>• Provide low and visually permeable front fences, where proposed.</li> <li>• Conceal car parking and internal waste collection areas from the street.</li> </ul> <p>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</p> <p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority <u>must</u> consider:</p> <ul style="list-style-type: none"> <li>• Any relevant urban design objective, policy or statement set out in this scheme.</li> <li>• The design response.</li> </ul>	<p><b>Complies</b></p> <p>The amended design further enhances the street integration with Neerim Road and activation to the frontage and southern railway corridor, with all retail spaces having entrances oriented to the street.</p> <p>Passive surveillance is provided from upper levels outwards to the front and ends of the Site.</p> <p>Multiple pedestrian thoroughfares through the Site provide connection to the public transport access and active transport corridors along the rear.</p>
<p><b>Clause 58.03-1 – Energy efficiency Objective</b></p> <ul style="list-style-type: none"> <li>• To achieve and protect energy efficient dwellings and buildings.</li> </ul>	<p><b>Complies</b></p>

- To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
- To ensure dwellings achieve adequate thermal efficiency.

**Standard D6 (Can be varied)**

- Buildings should be:
  - *Oriented to make appropriate use of solar energy.*
  - *Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.*
- Living areas and private open space should be located on the north side of the development, if practicable.
- Developments should be designed so that solar access to north-facing windows is optimised.
- Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in Table D1:

Table D1 – Cooling Load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M2 per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23
Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).	

**Decision Guidelines**

*Before deciding on an application, the responsible authority must consider:*

- *The design response.*
- *The size, orientation and layout of the site.*
- *The existing amount of solar access to abutting properties.*
- *The availability of solar access to north-facing windows on the site.*
- *The annual cooling load for each dwelling.*

The positive orientation of the development continues to maximise solar access and natural ventilation.

The accompanying Sustainable Management Plan by *Frater Consulting Services* details the high degree of ESD alignment within the development.

**Clause 58.03-2 – Communal Open Space Objective**

- To provide communal open space that meets the recreation and amenity needs of residents.

**Complies**

<ul style="list-style-type: none"> <li>• To ensure that communal open space is accessible, practical, attractive, easily maintained.</li> <li>• To ensure communal open space is integrated with the layout of the development and enhances resident amenity.</li> </ul> <p><b>Standard D7 (Can be varied)</b></p> <p>A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.</p> <p>If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.</p> <p>Each area of communal open space <u>should be</u>:</p> <ul style="list-style-type: none"> <li>• Accessible to all residents.</li> <li>• A usable, size, shape and dimension.</li> <li>• Capable of efficient management.</li> <li>• Located to: <ul style="list-style-type: none"> <li>▫ <i>Provide passive surveillance opportunities, where appropriate.</i></li> <li>▫ <i>Provide outlook for as many dwellings as practicable.</i></li> <li>▫ <i>Avoid overlooking into habitable rooms and private open space of new dwellings.</i></li> <li>▫ <i>Minimise noise impacts to new and existing dwellings.</i></li> </ul> </li> </ul> <p>Any area of communal outdoor open space should be landscaped and include canopy cover and trees.</p> <p><b>Decision Guidelines</b></p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> <li>• <i>Any relevant design objective, policy or statement set out in this scheme.</i></li> <li>• <i>The design response.</i></li> <li>• <i>The availability of and access to public open space.</i></li> </ul>	<p>The amended development requires provision of 30sqm of communal outdoor space, plus an additional 220sqm of communal space.</p> <p>The amended development design well exceeds this minimum provision, with 195sqm of outdoor communal space, and a further 124sqm of indoor space. The communal areas are divided across the development site, with a central open terrace and coworking space on Level 5, and a communal terrace area at each end of Level 7. The spaces provide for a flexible range of uses, which are functional and accessible for all future residents.</p>
<p><b>Clause 58.03-3 – Solar access to communal outdoor open space objective</b></p> <ul style="list-style-type: none"> <li>• To allow solar access into communal outdoor open space.</li> </ul> <p><b>Standard D8 (Can be varied)</b></p> <ul style="list-style-type: none"> <li>• The communal outdoor open space <u>should</u> be located on the north side of a building, if appropriate.</li> <li>• At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space <u>should</u> receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</li> </ul>	<p><b>Complies</b></p> <p>The primary communal open space is that provided on the western end of Level 7 of the development given its larger area, and which receives excellent solar access for more than 2 hours on June 21<sup>st</sup> to 50% of its area.</p>

<p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• The design response.</li> <li>• The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.</li> </ul>	
<p><b>Clause 58.03-4 – Safety Objectives</b></p> <ul style="list-style-type: none"> <li>• To ensure the layout of development provides for the safety and security of residents and property.</li> </ul> <p><b>Standard D9 (Can be varied)</b></p> <ul style="list-style-type: none"> <li>• Entrances to dwellings <u>should not</u> be obscured or isolated from the street and internal accessways.</li> <li>• Planting which creates unsafe spaces along streets and accessways <u>should</u> be avoided.</li> <li>• Developments <u>should</u> be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</li> <li>• Private spaces within developments <u>should</u> be protected from inappropriate use as public thoroughfares.</li> </ul> <p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider the design response.</p>	<p><b>Complies</b></p> <p>The amended design provides an improved access and safety arrangement for the dwellings, with lobby access now provided off the western presentation, as well as the public thoroughfares through the Site.</p> <p>Lighting is provided to all pedestrian and vehicle accessways to the Site, and landscaping is provided at ground level to complement spaces without creating obstruction.</p> <p>All ground floor open space is designated for public use, distinct from the private communal spaces that are positioned to upper levels to protect from public use.</p>
<p><b>Clause 58.03-5 – Landscaping Objectives</b></p> <ul style="list-style-type: none"> <li>• To provide landscaping that supports the existing or preferred urban context of the area and reduced the visual impact of buildings on the streetscape.</li> <li>• To preserve existing canopy cover and support the provision of new canopy cover.</li> <li>• To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.</li> </ul> <p><b>Standard D10 (Can be varied)</b></p> <p>Development should retain existing trees and canopy cover.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>Development should:</p> <ul style="list-style-type: none"> <li>• Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.</li> <li>• Provide canopy cover through canopy trees that are: <ul style="list-style-type: none"> <li>▫ Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.</li> <li>▫ Consistent with the canopy diameter and height at maturity specified in Table D4.</li> </ul> </li> </ul>	<p><b>Complies with Objective</b></p> <p>With the annexation of the additional land along the southern boundary, the amended proposal would require 15% deep soil area and approximately 380sqm of canopy cover. Whilst increasing the deep soil area, the narrow width of the additional land makes implementation of substantial landscaping impractical.</p> <p>The western open space arrangement is preserved, with protection of the existing mature canopy tree, and a revised landscaping schedule for the plaza area. Please refer to the accompanying Landscaping Plans by Mala for specific reference.</p> <p>Given the scope of the existing approval, the limitations of the site proportions, and the activity centre/commercial positioning of the Site, the amended landscaping response is considered to remain a contextually appropriate proposition and consistent with the objectives of the Clause.</p>

- *Located in communal outdoor open space or common areas or street frontages.*

- Comprise smaller trees, shrubs and ground cover, including flowering native species.
- Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

**Table D2 Canopy cover and deep soil requirements**

Site area	Canopy cover	Deep soil
1000 square metres	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 - 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2500 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

**Table D3 Soil requirements for trees**

Tree type	Tree in deep soil	Tree in planter	Depth of planter soil
	Area of deep soil	Volume of planter soil	
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension of 2.5 metres)	0.8 metre
B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

*Note: Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.*

**Table D4 Tree type**

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

<p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority <u>must</u> consider:</p> <ul style="list-style-type: none"> <li>• Any relevant neighbourhood character, landscaping or environmental policy, objective or strategy or statement set out in the Planning Scheme.</li> <li>• The design response.</li> <li>• The health of any trees to be removed.</li> <li>• The suitability of the proposed location, deep soil area and planter volume for canopy trees.</li> <li>• The suitability of the proposed landscaping of communal outdoor open space.</li> <li>• The type and quantity of canopy cover, including any alternative to trees.</li> <li>• The soil type and drainage patterns of the site.</li> <li>• The ongoing management of landscaping, including irrigation systems.</li> </ul>	
<p><b>Clause 58.03-6 – Access Objective</b></p> <ul style="list-style-type: none"> <li>• To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.</li> <li>• To ensure the vehicle crossovers are designed and located to minimise visual impact.</li> </ul> <p><b>Standard D11 (Can be varied)</b></p> <p>Vehicle crossovers should be minimised.</p> <p>Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.</p> <p>Pedestrian and cyclist access should be clearly delineated from vehicle access.</p> <p>The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p> <p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• The design response.</li> <li>• The impact on the street.</li> <li>• The reduction of on-street car parking spaces.</li> <li>• The effect on any significant vegetation on the site and road reserve.</li> </ul>	<p><b>Complies</b></p> <p>The amended design preserves the two-crossover arrangement of the existing approval, with the two existing western crossovers being removed and reinstated to on-street parking.</p> <p>The pedestrian entries and movement remain safely separated from vehicle accessways, with improved access to the western lobby introduced to the plaza area.</p>
<p><b>Clause 58.03-7 – Parking Location Objective</b></p>	<p><b>Complies</b></p>

<ul style="list-style-type: none"> <li>• To provide convenient parking for resident and visitor vehicles.</li> <li>• To protect residents from vehicular noise within developments.</li> </ul> <p><b>Standard D12 (Can be varied)</b></p> <p>Car parking facilities <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Be reasonably close and convenient to dwellings.</li> <li>• Be secure.</li> <li>• Be well ventilated if enclosed.</li> </ul> <p>Shared accessways or car parks of other dwellings <u>should</u> be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p> <p><b>Decision Guideline</b></p> <ul style="list-style-type: none"> <li>• <i>Before deciding on an application, the responsible authority must consider the design response.</i></li> </ul>	<p>The basement parking arrangement remains relatively unchanged in the amended proposal. Proximity of dwellings from the vehicle accessways is minimal, with direct access from each level of the development to the parking areas.</p>
<p><b>Clause 58.03-8 – Integrated Water and Stormwater Management Objective</b></p> <ul style="list-style-type: none"> <li>• To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</li> <li>• To facilitate stormwater collection, utilisation and infiltration within the development.</li> <li>• To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</li> </ul> <p><b>Standard D13</b></p> <p>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system <u>should</u> be:</p> <ul style="list-style-type: none"> <li>○ Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</li> <li>○ Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</li> </ul> <p><b>Decision guidelines</b></p> <p>Before deciding on an application, the responsible authority <u>must</u> consider:</p> <ul style="list-style-type: none"> <li>• Any relevant water and stormwater management objective, policy or statement set out in this scheme.</li> <li>• The design response.</li> </ul>	<p><b>Complies</b></p> <p>The amended design maintains compliance with the water management practice, with stormwater collection and reuse integrated into the design.</p> <p>Updated details of the stormwater management is included in the accompanying amended Sustainable Management Plan by Frater Consulting Services.</p>

<ul style="list-style-type: none"> <li>• Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.</li> <li>• Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.</li> <li>• The capacity of the drainage network to accommodate additional stormwater.</li> <li>• Whether the stormwater treatment areas can be effectively maintained.</li> <li>• Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.</li> </ul>	
<p><b>Clause 58.04-1 – Building Setback Objective</b></p> <ul style="list-style-type: none"> <li>• To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</li> <li>• To allow adequate daylight into new dwellings.</li> <li>• To limit views into habitable room windows and private open space of new and existing dwellings.</li> <li>• To provide a reasonable outlook from new dwellings.</li> <li>• To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</li> </ul> <p><b>Standard D14 (Can be varied)</b></p> <p>The built form of the development <u>must</u> respect the existing or preferred urban context and respond to the features of the site.</p> <p>Buildings <u>should</u> be set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> <li>• Ensure adequate daylight into new habitable room windows.</li> <li>• Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.</li> <li>• Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.</li> <li>• Ensure the dwellings are designed to meet the objectives of Clause 58.</li> </ul> <p><b>Decision Guidelines</b></p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> <li>• <i>The purpose of the zone and/or overlay that applies to the land.</i></li> <li>• <i>Any relevant urban design objective, policy or statement set out in this scheme.</i></li> <li>• <i>The urban context report.</i></li> <li>• <i>The design response.</i></li> <li>• <i>The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the</i></li> </ul>	<p><b>Complies</b></p> <p>The siting and setbacks of the amended development design continue to respond appropriately to the site context, with non-sensitive interfaces on the adjoining land associated with the train station and related services.</p> <p>Setbacks and presentation to the western interface still provide a respectful level of visual separation from the heritage commercial precinct.</p>

<p><i>interface with laneways. The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.</i></p> <ul style="list-style-type: none"> <li><i>• The impact of overlooking on the amenity of existing and proposed dwellings.</i></li> <li><i>• The existing extent of overlooking into existing dwellings and private open space.</i></li> <li><i>• Whether the development meets the objectives of Clause 58.</i></li> </ul>	
<p><b>Clause 58.04-2 – Internal Views Objective</b></p> <ul style="list-style-type: none"> <li>To limit views into the private open space and habitable room windows of dwellings within a development.</li> </ul> <p><b>Standard D15 (Can be varied)</b></p> <p>Windows and balconies <u>should</u> be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.</p> <p><b>Decision Guidelines</b></p> <ul style="list-style-type: none"> <li><i>Before deciding on an application, the responsible authority must consider the design response.</i></li> </ul>	<p><b>Complies</b></p> <p>The amended apartment layout continues to ensure no unreasonable view lines are created between units, with orientation and screening employed to ensure appropriate privacy and demonstrate compliance with Condition 3a) requirements.</p>
<p><b>Clause 58.04-3 – Noise Impacts Objective</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external and internal noise sources.</li> </ul> <p><b>Standard D16 (Can be varied)</b></p> <p>Noise sources, such as mechanical plants <u>should not</u> be located near bedrooms of immediately adjacent existing dwellings.</p> <p>The layout of new dwellings and buildings <u>should</u> minimise noise transmission within the site.</p> <p>Noise sensitive rooms (such as living areas and bedrooms) <u>should</u> be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings <u>should</u> be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</p> <p>Buildings within a noise influence area specified in Table D5 <u>should</u> be designed and constructed to achieve the following noise levels:</p> <ul style="list-style-type: none"> <li>Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</li> <li>Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.</li> </ul> <p>Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.</p>	<p><b>Complies</b></p> <p>The amended design retains the same setbacks and arrangement in response to the elevated train line as the approved design.</p> <p>Treatments to mitigate noise levels within the design will be implemented according to the Acoustic Report by Acoustic Logic included in the accompanying material.</p>

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

<b>Table D5 Noise influence area</b>	
<b>Noise Source</b>	<b>Noise Influence Area</b>
<b>Zone Interface</b>	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary.
<b>Roads</b>	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
<b>Railways</b>	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track
The noise influence area should be measured from the closest part of the building to the noise source.	

**Decision Guidelines**

*Before deciding on an application, the responsible authority must consider:*

- *The design response.*
- *Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.*
- *Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.*
- *Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.*
- *Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.*

**58.04-4 Wind impacts objective**

- To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.

**Complies**

The amended design remains informed by the recommendations of the Wind Impact Assessment

<p><b>Standard D17</b></p> <p>Development of five or more storeys, excluding a basement should:</p> <ul style="list-style-type: none"> <li>not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and</li> <li>achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.</li> </ul> <p>Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.</p> <p>Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.</p> <p><b>Table D6 Wind conditions</b></p> <table border="1"> <thead> <tr> <th>Unsafe</th> <th>Comfortable</th> </tr> </thead> <tbody> <tr> <td>Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.</td> <td>Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: <ul style="list-style-type: none"> <li>3 metres per second for sitting areas,</li> <li>4 metres per second for standing areas,</li> <li>5 metres per second for walking areas.</li> </ul> </td> </tr> </tbody> </table> <p><b>Decision guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li><i>The urban context report.</i></li> <li><i>The design response.</i></li> <li><i>The safety, functionality and amenity of public, private and communal open space areas.</i></li> <li><i>Whether it has been demonstrated by a suitably qualified specialist that the development will not generate unacceptable wind impacts within the site or on surrounding land.</i></li> </ul>	Unsafe	Comfortable	Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: <ul style="list-style-type: none"> <li>3 metres per second for sitting areas,</li> <li>4 metres per second for standing areas,</li> <li>5 metres per second for walking areas.</li> </ul>	<p>provided by Vipac included in the material and as required under the conditions of the original approval.</p>
Unsafe	Comfortable				
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: <ul style="list-style-type: none"> <li>3 metres per second for sitting areas,</li> <li>4 metres per second for standing areas,</li> <li>5 metres per second for walking areas.</li> </ul>				
<p><b>58.05-1 Accessibility objective</b></p> <ul style="list-style-type: none"> <li>To ensure the design of dwellings meets the needs of people with limited mobility.</li> </ul> <p><b>Standard D18</b></p> <p>At least 50 per cent of dwellings <u>should</u> have:</p> <ul style="list-style-type: none"> <li>A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</li> <li>A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.</li> </ul>	<p><b>Complies</b></p> <p>The amended design provides for 74 of the 144 apartments (51.4%) as accessible with regard to the standards provided for within the Clause, exceeding the minimum 50% expectation.</p>				

- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.

**Table D7 - Bathroom Design**

	<b>Design Option A</b>	<b>Design Option B</b>
Door Opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door Design	Either: <ul style="list-style-type: none"> <li>• A slide door, or</li> <li>• A door that opens outwards, or</li> <li>• A door that opens inwards that is clear of the circulation area and has readily removable hinges.</li> </ul>	Either: <ul style="list-style-type: none"> <li>• A slide door, or</li> <li>• A door that opens outwards, or</li> <li>• A door that opens inwards and has readily removable hinges.</li> </ul>
Circulation area	A clear circulation area that is: <ul style="list-style-type: none"> <li>• A minimum area of 1.2 metres by 1.2 metres.</li> <li>• Located in front of the shower and the toilet.</li> <li>• Clear of the toilet, basin and the door swing.</li> </ul> The circulation area for the toilet and shower can overlap.	A clear circulation area that is: <ul style="list-style-type: none"> <li>• A minimum width of 1 metre.</li> <li>• The full length of the bathroom and a minimum length of 2.7 metres.</li> <li>• Clear of the toilet and basin.</li> </ul> The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.

Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.	
<i>There are no decision guidelines for this objective and standard</i>			
<p><b>58.05-2 Building entry and circulation objective</b></p> <ul style="list-style-type: none"> <li>To provide each dwelling and building with its own sense of identity.</li> <li>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</li> <li>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</li> </ul> <p><b>Standard D19 (can be varied)</b></p> <p>Entries to dwellings and residential buildings <u>should</u>:</p> <ul style="list-style-type: none"> <li>Be visible and easily identifiable.</li> <li>Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul> <p>The layout and design of buildings <u>should</u>:</p> <ul style="list-style-type: none"> <li>Clearly distinguish entrances to residential and non-residential areas.</li> <li>Provide windows to building entrances and lift areas.</li> <li>Provide visible, safe and attractive stairs from the entry level to encourage use by residents.</li> <li>Provide common areas and corridors that: <ul style="list-style-type: none"> <li>Include at least one source of natural light and natural ventilation.</li> <li>Avoid obstruction from building services.</li> <li>Maintain clear sight lines.</li> </ul> </li> </ul> <p><b>Decision Guidelines</b></p> <p><i>Before deciding on an application, the responsible authority must consider</i></p> <ul style="list-style-type: none"> <li>The design response.</li> <li>The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.</li> </ul>			<p><b>Complies</b></p> <p>The arrangement of the retail tenancy entries, pedestrian thoroughfares, and revised apartment lobby entries provide well-distributed circulation through the Site for resident and visitors alike.</p> <p>Entries are well located, with residential and retail components separated to distinguish uses.</p>
<p><b>Clause 58.05-3 – Private Open Space Objective</b></p> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul> <p><b>Standard D20 (can be varied)</b></p> <p>A dwelling <u>should</u> have private open space consisting of at least one of the following:</p> <ul style="list-style-type: none"> <li>An area of 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.</li> </ul>			<p><b>Complies with Objective</b></p> <p>94% of the dwellings proposed in the amended design response are provided with adequate private open space as per the numerical standards. Those remaining units are within 1-2sqm of the Standard.</p> <p>The development provides for generous communal open space and amenities in various locations of the development, including a new wellness hub for residents. The collection of these spaces supplement</p>

- A balcony with at least the area and dimension specified in Table D8 and convenient access from a living room.
- An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- An area on a roof of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by 1.5 square metres.

If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

Table D8 Balcony Size			
Orientation of dwelling	Dwelling Type	Minimum Area	Minimum Dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 30 degrees east)	All	8 square metres	2 metres
Any other orientation	Studio 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 or more bedroom dwelling	12 square metres	2.4 metres

Table D9 Additional living area or bedroom area	
Dwelling type	Additional area
Studio or 1 bedroom dwelling	8 square metres
2 bedroom dwelling	8 square metres
3 or more bedroom dwelling	12 square metres

the minor reduction to the overall area of these x dwellings.

There is ample public open space in close proximity to the Site also including the recreational spaces beneath the elevated railway corridor.

<p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• The design response.</li> <li>• The useability and functionality of the private open space, including its size and accessibility.</li> <li>• The amenity of the private open space based on the orientation of the lot, noise exposure, the wind conditions and the sunlight it will receive.</li> <li>• The availability of and access to public or communal open space.</li> <li>• The usability and functionality of any additional living area or bedroom area, including its size and layout.</li> </ul>																			
<p><b>Clause 58.05-4 – Storage Objective</b></p> <ul style="list-style-type: none"> <li>• To provide adequate storage facilities for each dwelling</li> </ul> <p><b>Standard D21 (can be varied)</b></p> <ul style="list-style-type: none"> <li>• Each dwelling <u>should</u> have convenient access to usable and secure storage space.</li> <li>• The total minimum storage space (including kitchen, bathroom and bedroom storage) <u>should</u> meet the requirements specified in Table D10.</li> </ul> <table border="1" data-bbox="150 1061 896 1547"> <thead> <tr> <th colspan="3">Table D10 - Storage</th> </tr> <tr> <th>Dwelling Type</th> <th>Total minimum storage volume</th> <th>Minimum storage volume within the dwelling</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>8 cubic metres</td> <td>5 cubic metres</td> </tr> <tr> <td>1 bedroom dwelling</td> <td>10 cubic metres</td> <td>6 cubic metres</td> </tr> <tr> <td>2 or more bedroom dwelling</td> <td>14 cubic metres</td> <td>9 cubic metres</td> </tr> <tr> <td>3 or more bedroom dwelling</td> <td>18 cubic metres</td> <td>12 cubic metres</td> </tr> </tbody> </table> <p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• The design response.</li> <li>• The useability, functionality and location of storage facilities provided for the dwelling.</li> </ul>	Table D10 - Storage			Dwelling Type	Total minimum storage volume	Minimum storage volume within the dwelling	Studio	8 cubic metres	5 cubic metres	1 bedroom dwelling	10 cubic metres	6 cubic metres	2 or more bedroom dwelling	14 cubic metres	9 cubic metres	3 or more bedroom dwelling	18 cubic metres	12 cubic metres	<p><b>Complies</b></p> <p>All dwellings include internal storage that meets the minimum internal requirements of the Standard, and are further supplemented with allocated storage cages in the basement to achieve the total storage volumes as required by Standard D21 and Condition 3b) of the Planning Permit.</p> <p>Basement storage is secure, practical, and allocated to each individual unit as required.</p>
Table D10 - Storage																			
Dwelling Type	Total minimum storage volume	Minimum storage volume within the dwelling																	
Studio	8 cubic metres	5 cubic metres																	
1 bedroom dwelling	10 cubic metres	6 cubic metres																	
2 or more bedroom dwelling	14 cubic metres	9 cubic metres																	
3 or more bedroom dwelling	18 cubic metres	12 cubic metres																	
<p><b>Clause 58.06-1 – Common Property Objective</b></p> <ul style="list-style-type: none"> <li>• To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> </ul>	<p><b>Complies</b></p> <p>The common areas (vehicle accessways, lobbies, arcades, plazas, breezeways, stair and liftwells, communal open spaces, etc.) are well-considered in</p>																		

<ul style="list-style-type: none"> <li>To avoid future management difficulties in areas of common ownership.</li> </ul> <p><b>Standard D22 (can be varied)</b></p> <ul style="list-style-type: none"> <li>Developments <u>should</u> clearly delineate public, communal and private areas.</li> <li>Common property, where provided, <u>should</u> be functional and capable of efficient management.</li> </ul> <p><b>Decision Guidelines</b></p> <ul style="list-style-type: none"> <li><i>There are no decision guidelines for this objective and standard.</i></li> </ul>	<p>their design and clearly distinguished from occupancies.</p> <p>The ongoing management of these spaces can be easily undertaken by a Owner's Corporation structure.</p>
<p><b>Clause 58.06-2 – Site Services Objective</b></p> <ul style="list-style-type: none"> <li>To ensure that site services are accessible and can be installed and maintained.</li> <li>To ensure that site services and facilities are visually integrated into the building design or landscape.</li> </ul> <p><b>Standard D23 (can be varied)</b></p> <ul style="list-style-type: none"> <li>Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.</li> <li>Meters and utility services should be designed as an integrated component of the building or landscape.</li> <li>Mailboxes and other site facilities <u>should</u> be adequate in size, durable, water protected, located for convenient access and integrated into the overall design of the development.</li> </ul> <p><b>Decision Guidelines</b></p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> <li><i>Any relevant urban design objective, policy or statement set out in this scheme.</i></li> <li><i>The design response.</i></li> </ul>	<p><b>Complies</b></p> <p>Building services are well-accommodated, and accessible for maintenance when required.</p> <p>Mailboxes and parcel lockers are provided in each residential lobby, accessible from the ground floor entries.</p>
<p><b>Clause 58.06-3 – Waste and Recycling Objective</b></p> <ul style="list-style-type: none"> <li>To ensure dwellings are designed to encourage waste recycling.</li> <li>To ensure that waste and recycling facilities are accessible, adequate and attractive.</li> <li>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</li> </ul> <p><b>Standard D24 (Can be varied)</b></p> <p>Developments <u>should</u> include dedicated areas for:</p> <ul style="list-style-type: none"> <li>Waste and recycling enclosures which are: <ul style="list-style-type: none"> <li><i>Adequate in size, durable, waterproof and blend in with the development.</i></li> <li><i>Adequately ventilated.</i></li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>Waste facilities are housed in the basement, with connection to the upper levels for residents, and ease of access for removal via the basement.</p> <p>Refer to the Waste Management Plan by WSP for details of collection and access.</p>

<ul style="list-style-type: none"> <li>▫ <i>Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</i></li> </ul> <ul style="list-style-type: none"> <li>• Adequate facilities for bin washing. These areas <u>should</u> be adequately ventilated.</li> <li>• Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.</li> <li>• Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</li> <li>• Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</li> <li>• Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.</li> </ul> <p>Waste and recycling management facilities <u>should</u> be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</p> <ul style="list-style-type: none"> <li>• Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.</li> <li>• Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</li> </ul> <p><b>Decision Guidelines</b></p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> <li>• <i>The design response.</i></li> <li>• <i>Any relevant waste and recycling objective, policy or statement set out in this scheme.</i></li> </ul>	
<p><b>Clause 58.06-4 – External walls and materials objective</b></p> <ul style="list-style-type: none"> <li>• To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.</li> <li>• To ensure external walls endure and retain their attractiveness.</li> </ul> <p><b>Standard D25</b></p> <p>External walls should be finished with materials that:</p> <ul style="list-style-type: none"> <li>• Do not easily deteriorate or stain.</li> <li>• Weather well over time.</li> <li>• Are resilient to the wear and tear from their intended use.</li> </ul> <p>External wall design should facilitate safe and convenient access for maintenance.</p> <p><b>Decision guidelines</b></p>	<p><b>Complies</b></p> <p>The amended plans continue the use of glazed tiles, pre-cast concrete and powder-coated metal finishes for the majority of the external fabric.</p> <p>These provide a resilient and durable finish, whilst maintaining a high-quality and distinct built form.</p>

<p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>Any relevant building design and urban design objective, policy or statement set out in this scheme.</li> <li>The urban context report.</li> <li>The design response.</li> </ul>																									
<p><b>Clause 58.07-1- Functional Layout Objective</b></p> <ul style="list-style-type: none"> <li>To ensure dwellings provide functional areas that meet the needs of residents.</li> </ul> <p><b>Standard D26 (Can be varied)</b></p> <p>Bedrooms <u>should</u>:</p> <ul style="list-style-type: none"> <li>Meet the minimum internal room dimensions and area specified in Table D11.</li> <li>Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</li> </ul> <p>Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.</p> <table border="1" data-bbox="148 931 898 1193"> <thead> <tr> <th colspan="3">Table D11 Bedroom dimensions</th> </tr> <tr> <th>Bedroom type</th> <th>Minimum width</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Main bedroom</td> <td>3 metres</td> <td>3.4 metres</td> </tr> <tr> <td>All other bedrooms</td> <td>3 metres</td> <td>3 metres</td> </tr> </tbody> </table> <table border="1" data-bbox="148 1256 898 1581"> <thead> <tr> <th colspan="3">Table D12 Living area dimensions</th> </tr> <tr> <th>Dwelling type</th> <th>Minimum width</th> <th>Minimum area</th> </tr> </thead> <tbody> <tr> <td>Studio and 1 bedroom dwelling</td> <td>3.3 metres</td> <td>10 sqm</td> </tr> <tr> <td>2 or more bedroom dwelling</td> <td>3.6 metres</td> <td>12 sqm</td> </tr> </tbody> </table> <p><b>Decision Guidelines</b></p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>The design response.</li> <li>The useability, functionality and amenity of habitable rooms.</li> </ul>	Table D11 Bedroom dimensions			Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Table D12 Living area dimensions			Dwelling type	Minimum width	Minimum area	Studio and 1 bedroom dwelling	3.3 metres	10 sqm	2 or more bedroom dwelling	3.6 metres	12 sqm	<p><b>Complies with Objective</b></p> <p>As detailed in Drawing No TP6.101 – TP6.135 all of the bedrooms for each respective apartment and all of the living areas, excluding a few studio apartments, have been designed to meet the minimum requirements contained in Table D11 and D12 of Standard D26.</p> <p>For the studio apartments, these comply with the living area requirements excluding for a minor encroachment into of the kitchen storage bench in Type S01, S02 and A01 apartments.</p> <p>The studio apartments add to the dwelling diversity of the development, with Clause 58 failing to recognise the unique arrangement of these dwellings and the combination of living/bedroom area.</p> <p>The studio apartments have been provided in the design response following market research and feedback and designed in an open living arrangement but with enough space to differentiate the living and sleeping areas.</p> <p>When considering the diversity of apartments and variety of layouts and general compliance across the development with Clause 58.07-1 requirements, the minor variation to these studio apartments and their living areas through the cabinetry encroachment is considered acceptable.</p>
Table D11 Bedroom dimensions																									
Bedroom type	Minimum width	Minimum depth																							
Main bedroom	3 metres	3.4 metres																							
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<p><b>Clause 58.07-2 – Room Depth Objectives</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into single aspect habitable rooms.</li> </ul> <p><b>Standard D27 (Can be varied)</b></p>	<p><b>Complies</b></p> <p>All habitable rooms will continue to receive adequate daylight, with appropriate ceiling heights and room depths as per the Standard. Refer to plans TP8000 -</p>																								

<p>Single aspect habitable rooms <u>should not</u> exceed a room depth of 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room <u>may</u> be increased to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> <li>• The room combines the living area, dining area and kitchen.</li> <li>• The kitchen is located furthest from the window.</li> <li>• The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.</li> </ul> <p>The room depth <u>should</u> be measured from the external surface of the habitable room window to the rear wall of the room.</p> <p><b>Decision Guideline</b></p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> <li>• <i>The design response.</i></li> <li>• <i>The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.</i></li> <li>• <i>The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.</i></li> <li>• <i>Any overhang above habitable room windows that limits daylight access.</i></li> </ul>	<p>8031 for dimensioned floor plans demonstrating compliance.</p>
<p><b>Clause 58.07-3 – Windows Objectives</b></p> <ul style="list-style-type: none"> <li>• To allow adequate daylight into new habitable room windows</li> </ul> <p><b>Standard D28 (Can be varied)</b></p> <p>Habitable rooms <u>should</u> have a window in an external wall of the building.</p> <p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</p> <p>The secondary area <u>should</u> be:</p> <ul style="list-style-type: none"> <li>• A minimum width of 1.2 metres.</li> <li>• A maximum depth of 1.5 times the width, measured from the external surface of the window.</li> </ul> <p><b>Decision Guideline</b></p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> <li>• <i>The design response.</i></li> <li>• <i>The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.</i></li> <li>• <i>The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.</i></li> </ul>	<p><b>Complies</b></p> <p>The amended development maintains full compliance with the Standard, with all habitable room windows located in external walls, without the use of any secondary area 'snorkel' window arrangements.</p>
<p><b>Clause 58.07-4 – Natural Ventilation Objectives</b></p>	<p><b>Complies</b></p>

<ul style="list-style-type: none"> <li>• To encourage natural ventilation of dwellings.</li> <li>• To allow occupants to effectively manage natural ventilation of dwellings.</li> </ul> <p><b>Standard D29 (Can be varied)</b></p> <p>The design and layout of dwellings <u>should</u> maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p> <p>At least 40 per cent of dwellings <u>should</u> provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> <li>• A maximum breeze path through the dwelling of 18 metres.</li> <li>• A minimum breeze path through the dwelling of 5 metres.</li> <li>• Ventilation openings with approximately the same area.</li> </ul> <p>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</p> <p><b>Decision Guideline</b></p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> <li>• <i>The design response.</i></li> <li>• <i>The size, orientation, slope and wind exposure of the site.</i></li> <li>• <i>The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.</i></li> <li>• <i>Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.</i></li> </ul>	<p>110 out of 144 apartments (76%) provide for suitable cross-ventilation as per the Standard.</p>
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## PLANNING PERMIT GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987

<b>Permit No.:</b>	PA2403365
<b>Planning Scheme:</b>	Glen Eira Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	Neerim Road, Murrumbeena (Allotment 2012 East of Elsternwick, Parish of Prahan)

### THE PERMIT ALLOWS:

<b>Planning scheme clause</b>	<b>Matter for which the permit has been granted</b>
34.01-4	To construct a building or construct or carry out works.
<del>52.06-3</del>	<del>To reduce the car parking requirement.</del>
52.34-2	To reduce the bicycle parking requirement.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### Commencement

1. This permit will operate from the issued date of this permit.

#### Compliance with documents approved under this permit

2. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

#### Approved and endorsed plans – changes required

3. Before the development starts, excluding demolition, bulk excavation, and site preparation works, detailed development plans must be approved and endorsed by the responsible

**Date issued: 23 May 2025**

**Date permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

**Signature for the responsible authority:**



authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions and be generally in accordance with the architectural plans, prepared by Fieldwork Projects Pty Ltd, Revs A – E, dated 24 November 2025/27 February 2026 revisions b, c and d, dated either 18 December 2024 or 27 August 2024, but modified to show:

- a) Design details (height and materiality) of privacy screens proposed on balconies to mitigate against internal overlooking.
- b) The size of storage cages in cubic metres shown on the plans, along with their allocation, ensuring compliance with Clause 58.05-4 (Storage).
- c) A minimum of 3 conveniently located customer/visitor bicycle parking spaces provided either internally or externally on the site for the commercial uses.
- d) A minimum 6m dimensioned setback between the basement carpark gate and property boundary, to ensure vehicles can prop within the property boundary, clear of the footpath.
- e) A notation on the ground floor plans stating the ground level arcades will remain open for public access between at least 6am and 10pm, 7 day per week.
- f) A notation on the ground floor plans stating the western pocket plaza will remain publicly accessible 24 hours a day, 7 days per week.
- g) Noise attenuation measures as recommended in the Acoustic Report.
- h) ~~No encroachment of fire egress doors over land to the south, unless otherwise agreed by the Head, Transport for Victoria and Victorian Rail Track.~~
- i) All sustainability commitments in accordance with the Sustainability Management Plan.
- j) Any changes required by the Façade Strategy.
- k) Any changes required by the Landscape Plan.
- l) Any changes required by the Sustainability Management Plan.
- m) Any changes required by the Car Parking and Traffic Management Plan.
- n) Any changes required by the Waste Management Plan.
- o) Any changes required by the Acoustic Report.

#### Layout not altered

4. The use and development as shown on the endorsed plans must not be altered (unless the Glen Eira Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

#### Façade Strategy

5. Concurrent with endorsement of plans, a façade strategy must be approved and endorsed by the responsible authority. The façade strategy must be prepared to the satisfaction of the responsible authority and be generally in accordance with the plans dated 18 December 2024

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and 27 August 2024 and the design report dated 27 August 2024 prepared by Fieldwork Projects Pty Ltd, and must include:

- a) A concise description by the architect of the building design concept and how the façade works to achieve this.
- b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes, and linking them to a sample board with clear coding.
- c) Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the responsible authority, illustrating typical building details, entries and doors, utilities, and any special features which are important to the building's presentation.
- d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
- e) Information about how the façade will be accessed, maintained and cleaned.
- f) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.
- g) Details of materials and finishes to demonstrate these will be of high quality, robust, and require low maintenance.
- h) Confirmation that the materials and overall building expression will not cause specular light reflectance greater than 15 per cent for all external building glazing and metallic and mirror-like cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.

#### **Architect to be retained**

6. Except with the written consent of the responsible authority, Fieldwork Projects Pty Ltd must be retained to provide architectural oversight during construction and completion of the detailed design as shown in the endorsed plans and façade strategy.

#### **Landscape Plan**

7. Concurrent with the endorsement of plans, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the Landscape Plan prepared by Mala, dated 27 August 2024, and must include the following:
  - a) Any changes required to ensure consistency with the approved and endorsed plans.
  - b) Tree protection zones consistent with the endorsed tree protection management plan.
  - c) Layout of landscaping and planting within all open areas of the subject land.

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- d) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- e) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
- f) Details of surface finishes of pathways and driveways.
- g) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- h) Details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.
- i) Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
- j) Clear demarcation of a north-south pedestrian link through the undercroft open space area, with private outdoor dining associated with any future retail tenancy limited to the east of this link, unless otherwise approved by the responsible authority.
- k) The provision of 3 conveniently accessible visitor/customer bicycle parking spaces provided externally within the subject site, unless these spaces are to be provided internally within the building.
- l) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.
- m) A maintenance schedule, including task detail and frequency.
- n) Any integrated wind mitigation measures.

**Completion of landscaping**

- 8. Before the use starts, unless otherwise agreed in writing with the responsible authority (e.g. to allow for seasonal planting), the landscaping shown on the endorsed landscape plan must be carried out and completed to the satisfaction of Glen Eira City Council.

**Landscaping maintenance**

- 9. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of Glen Eira City Council.

**Environmentally Sustainable Design**

- 10. Concurrent with endorsement of plans, a sustainability management plan (SMP) must be approved and endorsed by the responsible authority. The SMP must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Sustainability

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Management Plan Neerim Road, Murrumbena VIC prepared by Frater Consulting Services, dated 31 July 2024, and must include:

- a) Any changes required to ensure consistency with the endorsed plans.
- b) The size of all heat pump hot water systems (tanks and pumps) for residential and non-residential areas of the building (BESS Energy Hot Water)
- c) Adjustable clothes lines for each individual apartment clearly labelled to claim BESS Energy Credit 3.4 Clothes Drying or alternatively remove this credit.
- d) The correct angle of the solar panels detailed.
- e) Visitor bicycle parking on the subject site to claim BESS Credit Bicycle parking residential visitor and non-residential visitor or alternatively remove this credit.
- f) EV charging infrastructure to claim BESS Transport Credit 2.1 Electric Vehicle Infrastructure.
- g) Lighting commitments as proposed to claim BESS Energy credit 3.6 and 3.7 lighting.
- h) IEQ air quality treatments to claim BESS IEQ Air Quality credit.
- i) Tap and floor waste on balconies and terraces to claim BESS Urban Ecology Credit 2.4 Private Open Spaces.
- j) Clarity on how the car park can be fully naturally ventilated to claim BESS Energy 3.1 Car Park Ventilation or alternatively remove this credit.
- k) An NCC Façade Calculator report to claim BESS Energy Façade credit.
- l) Evidence to demonstrate non-residential areas are effectively naturally ventilated to claim BESS IEQ 2.3 Ventilation credit.
- m) Clarify whether washing machine are to be provided or confirm 'occupant to install' under BESS Water washing machine credit.
- n) Provide further detail on how the BESS Water 4.1 Building systems Water use reduction credit is to be achieved.

The recommendations of the approved ESD report must be implemented to the satisfaction of the responsible authority.

### Implementation of ESD Statement Initiatives

11. Within six months of the occupation of the development, a report from the author of the endorsed SMP must be submitted to and approved by the responsible authority. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report, to the satisfaction of the responsible authority.

### Stormwater management plan

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12. Concurrent with the endorsement of plans, a stormwater management plan must be approved and endorsed by the responsible authority in consultation with Glen Eira City Council. The stormwater management plan must generally in accordance with the detail contained within the Sustainability Management Pla prepared by Frater Consulting Services, dated 31 July 2024 and be prepared to the satisfaction of the responsible authority, and must:
  - a) any changes required to ensure consistency with the endorsed plans.
  - b) set out how the stormwater management system will be managed on an ongoing basis
  - c) demonstrate how all relevant standards set out in the planning scheme relating to stormwater management will meet the objectives in the planning scheme, including modelling and calculations.
13. The stormwater management system approved by the responsible authority and included in the endorsed stormwater management plan must be constructed, managed and maintained to the satisfaction of Glen Eira City Council.

#### **Drainage System**

14. Before the development starts, excluding demolition, bulk excavation and site preparation and remediation works, a stormwater drainage system incorporating integrated water management design principles must be approved and endorsed by Glen Eira City Council.
15. The stormwater drainage system must be constructed prior to the occupation of the approved building approved by this permit and provision made to connect this system to Glen Eira City Council's underground stormwater drainage system.

#### **Wind assessment**

16. Before the development starts, excluding demolition, bulk excavation and site preparation works, an amended wind assessment report must be approved and endorsed by the responsible authority. The wind assessment report must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Wind report by VIPAC, dated 2 September 2024, but modified to show:
  - a) Any changes to ensure consistency with the endorsed plans.
  - b) The recommended location and design of permanent and/or non-permanent wind screens to the undercroft open space area as determined by a wind engineer either through further qualitative analysis or wind tunnel testing. Any permanent wind screens must then be incorporated into the endorsed plans.
17. Before the development is occupied, the recommendations of the endorsed wind assessment must be implemented to the satisfaction of the responsible authority.

#### **Traffic and parking management plan**

18. Concurrent with the endorsement of plans, a traffic and parking management plan must be approved and endorsed by the responsible authority in consultation with Glen Eira City Council. The traffic and parking management plan must be prepared to the satisfaction of the

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responsible authority, be generally in accordance with the Traffic Engineering Assessment prepared by Traffix Group, dated December 2024, and include the following details:

- a) The means by which the on-site car parking will be allocated and managed.
- b) The location of all areas on-site to be used for resident, and staff parking.
- c) The means by which the direction of traffic, bicycle and pedestrian flows to and from car parking areas will be controlled both on-site and off-site.
- d) Measures to preclude staff parking in designated resident car parking areas.
- e) Details of the electric charging infrastructure consistent with the endorsed Sustainability Management Plan.

### **Waste management plan**

19. Concurrent with endorsement of plans, a waste management plan must be approved and endorsed by the responsible authority, in consultation with Glen Eira City Council. The waste management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the waste management plan prepared by WSP, dated September 2024, but modified to show:

- a) Any changes required to ensure consistency with the approved and endorsed plans.
- b) The following changes to the residential component:
  - i. The residential bin capacity to match the estimated weekly volume for the organics stream.
  - ii. The collection frequency from 3 x week to a maximum of 2 x week in line with Glen Eira City Council policy and adjust bin numbers where necessary.
- c) The following changes to the commercial component:
  - i. Provision of further supporting information to demonstrate the proposed waste generation rate for the supermarket is adequate with regard to the Sustainability Victoria rate.
  - ii. Details of a waste transfer pathway between relevant tenancies and the bin store.
  - iii. The bin lid colour for organics corrected to light green.

The responsible authority may consent in writing to vary these requirements.

### **Acoustic report**

20. Concurrent with the endorsement of plans, an acoustic report must be approved and endorsed by the responsible authority. The acoustic report must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Acoustic Report, prepared by Acoustic Logic, dated 29 August 2024, but modified to address:

- a) Any changes to ensure consistency with the endorsed plans.

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- b) Noise attenuation measures to mitigate noise from the loading bay.
  - c) Confirmation that acoustic façade treatment to the southern interface is to occur to the building façade, in line with the apartment doors, and not the breezeway mesh.
21. Within six months of the occupation of the development, a report from the author of the endorsed acoustic report must be approved and endorsed by the responsible authority. The report must outline how the design initiatives implemented within the development achieve the performance outcomes specified in the endorsed acoustic report, to the satisfaction of the responsible authority.

### **Tree Protection Management Plan**

22. Before the development starts, including demolition, bulk excavation and site preparation works, a tree protection management plan must be approved and endorsed by the responsible authority in consultation with Glen Eira City Council. The tree protection management plan must be prepared by a suitably qualified person to the satisfaction of the responsible authority, be generally in accordance with the Arboricultural Impact Assessment prepared by Tree Department, dated September 2024, and must include the following:
- a) Measures that must be incorporated into the design and construction of the development to ensure the protection of any trees identified for retention including the *Quercus canariensis* x *Quercus robur* (Hybrid Oak) (Tree 1) determined in accordance with *Australian Standard AS4970-2009 – Protection of Trees on Development Sites*.
  - b) The location of tree protection zones (TPZ) and tree protection fencing for trees identified for retention on a plan that is drawn to scale with dimensions.

### **Erection of tree protection fencing in accordance with vegetation management plan**

23. Before the development starts, including demolition, bulk excavation and site preparation works, tree protection fencing must be erected around any trees identified for retention on the approved and endorsed plans in accordance with the approved vegetation management plan and *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*, to the satisfaction of Glen Eira City Council.

### **Maintenance of tree protection fencing and exclusion of activities within fencing**

24. At all times during the carrying out of the development:
- a) The tree protection fencing must remain in place and be maintained around any trees identified for retention on the approved and endorsed plans, in accordance with the approved vegetation management plan and *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*.
  - b) Development, excavation, construction works or activities, grade changes, surface treatments, storage and movement of construction materials and vehicles of any kind must not occur on or over and must be excluded from any areas inside the tree protection fencing to the satisfaction of the Glen Eira City Council.

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The responsible authority may consent in writing to the variation of these requirements.

**Contractors to be advised of trees to be retained**

25. The owner and occupier of the site must ensure that before the development starts, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees.

**Car park construction**

26. Before the development is occupied, the areas set aside for the parking of vehicles and bicycles, and access lanes as shown on the endorsed plans must be:
- a) constructed
  - b) properly formed to such levels that they can be used in accordance with the plans
  - c) surfaced with an all-weather-seal coat
  - d) drained
  - e) line marked to indicate each car space and all access lanes
  - f) clearly marked to show the direction of traffic along access lanes and driveways, to the satisfaction of the responsible authority.

At all times car spaces, access lanes and driveways must be kept available for these purposes.

Once constructed, these areas must be maintained to the satisfaction of the responsible authority.

**Noise control**

27. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

**Construction Environmental Management Plan**

28. Before the development starts, including demolition, bulk excavation and site preparation works, a construction environmental management plan must be submitted to and approved by Glen Eira City Council. The environmental management plan must be prepared to the satisfaction of Glen Eira City Council, and must:
- a) Be prepared in accordance with the *Civil construction building and demolition guide, Publication 1834* (EPA, 2020).
  - b) Adopt the form of the EMP template included in the EPA guide and must address the following risks:
    - i. noise and vibration
    - ii. erosion, sediment and dust

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- iii. contaminated land and groundwater
  - iv. chemicals
  - v. waste
  - vi. stormwater pollution
- c) Detail working hours schedule for construction, building and demolition noise.
- d) Include a traffic management plan showing:
- i. access routes for construction vehicles
  - ii. swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction
  - iii. proposed parking locations for construction vehicles and construction workers' vehicles
  - iv. any impacts upon adjacent roads and pedestrian walkways and provision for adequate movement and circulation of vehicles and pedestrians adjacent to the land during the construction phase

Glen Eira City Council may consent in writing to the variation of these requirements.

**Environmental Audit**

29. Prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the responsible authority in accordance with section 210 of the *Environment Protection Act 2017* responding to the matters contained in Part 8.3, Division 3 of the *Environment Protection Act 2017* to the satisfaction of the responsible authority. The EAS must either:
- a) State the site is suitable for the use and development allowed by this permit; or
  - b) State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.
30. All the recommendations of the EAS must be complied with to the satisfaction of the responsible authority for the full duration of any buildings and works on the land in accordance with the development hereby approved and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.
31. If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the *Subdivision Act 1988*, the owner of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of

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the responsible authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

**Legal agreement - Affordable Housing**

32. Before the development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing (affordable housing contribution) in the following manner:
- a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority; or
  - b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement.

The land owner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

**Transport for Victoria conditions**

33. Prior to the commencement of works on site, detailed construction / engineering plans and structural computations for any construction abutting railway infrastructure or railway land must be submitted and approved by Victorian Rail Track, the Head, Transport for Victoria and the Rail Operator. The plans must detail all basement excavation design, retention works and controls of the site adjacent to the railway corridor having any impact on railway land. The design plans must ensure compliance with:
- a) The relevant Rail Transport Operator's engineering standard for minimum structural gauge clearances
  - b) Minimum clearances to all electrical assets and procedures for works adjacent to such assets, including:
    - i. Energy Safe Victoria requirements for minimum clearances to electrical assets and works adjacent.
    - ii. Australian Standards AS2067, AS7000 and Electricity Safety (General Regulations 2019, Part 6) for clearances to electrical assets. Clearances required include for safe working, fire life
  - c) Any other reasonable safety requirements required by the Rail Operator.

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- d) The required rail collision loadings and collision protection measures for the building supports adjacent the rail tracks in accordance with AS5100.
  - e) Earthquake design loadings for structure designated as a minimum Importance Level 2, by AS1170.4 – ‘Structural Design Actions, Earthquake Actions in Australia’.
  - f) Unless otherwise agreed in writing with the Head, Transport for Victoria and VicTrack, the retention system for the 2-level basement must be contained within the developments boundary (i.e. Temporary or permanent ground anchors or soil nails are not permitted to encroach on to railway land).
34. Before the development commences, plans must be submitted to the Head, Transport for Victoria demonstrating:
- a) How the design prevents items from being thrown or falling onto railway land from any part of the building development
  - b) Unless otherwise agreed in writing with the Head, Transport for Victoria, Victorian Rail Track and the Rail Operator, how the development is designed to ensure routine cleaning, replacement, inspection, maintenance and repair of any part of the building or development can be undertaken without access to the railway land being required and so electrical safety requirements of the Rail Operator are met
  - c) Passive surveillance provisions for existing and proposed pedestrian and cycling pathways (such as: appropriate lighting and way finding/signage) to ensure the safety of users of the development as is reasonably practicable
  - d) Any windows, doors and balconies permitted on the title boundary with railway land shall:
    - i. Unless otherwise agreed, be designed to prevent illegal trespass of people onto railway land.
    - ii. Be designed to prevent items from being thrown or falling onto railway land
    - iii. Not open beyond the railway land title boundary
    - iv. Not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals
    - v. Not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals
35. Before the development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to, and approved by, the Head, Transport for Victoria. The Traffic Management Plan must provide for:
- a) How public transport operations, traffic, walking and cycling movements will be managed during demolition and construction;
  - b) How any traffic impact to railway land and associated infrastructure assets will be mitigated during construction;

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- c) Ensure the pedestrian connections to/from the station through the new development are wide enough to avoid congestion with food and beverage tenancies (proposed and existing Daniel Son cafe at 471 Neerim Road) outdoor seating and is not in conflict with the landscape plan.
- d) How car parking will be managed to ensure development traffic associated with demolition and construction will not use Murrumbena Station commuter parking during any stage of demolition and construction unless otherwise agreed in writing with the Head, Transport for Victoria and the Rail Operator.

The Traffic Management Plan must be implemented and complied with to the satisfaction of the Head, Transport for Victoria. All costs associated with the preparation and implementation of the Traffic Management Plan will be borne by the permit holder. The endorsed plan must not be modified without the prior written consent of the Head, Transport for Victoria.

- 36. All necessary construction control and indemnity agreements as required by VicTrack, Head, Transport for Victoria and the Rail Operator must also be in place prior to works commencing that may have any impact on existing railway land or railway operations.
- 37. Before the development starts (including demolition and bulk excavation), a separate Demolition and/or Construction Management Plan must be submitted to and approved by the Head, Transport for Victoria. When approved, the Demolition and Construction Management Plan will form a part of this permit. The Demolition and Construction Management Plan must include (but not be limited to) details of:
  - a) The buildings, works and other measures necessary to:
    - i. Protect railway land, track, overhead power and associated infrastructure;
    - ii. Prevent/minimise disruption to the operation of the railway.
  - b) The remediation of any damage to railway land, track, overhead and underground power and communication assets, and associated infrastructure;
  - c) Details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules;
  - d) Arrangements for:
    - i. Any hoarding associated with the construction of the development at the railway boundary or that encroaches onto or overhangs railway land;
    - ii. Piling, excavation, shoring, stabilising, anchoring, filling, earthworks or construction associated with the development occurring on or next to the boundary of the railway land;
    - iii. The deposit or store of waste, fill or other materials associated with the development on the railway land;
    - iv. Air and dust management;
    - v. Operating hours;

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- vi. Noise and vibration controls;
- vii. The management of site drainage, effluent, and waste;
- viii. The security of the railway land and associated infrastructure.

All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented and monitored at no cost to VicTrack, the Head, Transport for Victoria and/or the Rail Operator.

The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority

- 38. Prior to the commencement of any demolition or construction works, the Rail Operator must be contacted through the email address [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au) to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land which must be complied with by the permit applicant during the construction of the development.
- 39. Unless otherwise agreed in writing with the Head, Transport for Victoria and Victorian Rail Track, prior to demolition and construction commencing on site, the permit holder must not use railway land or air space over railway land] for purposes of fire, light or ventilation. Right of way easements should be detailed on all plans for fire evacuation purposes.
- 40. Any damage to the Rail Operator's infrastructure as a consequence of the construction works must be rectified to the satisfaction of the Rail Operator at full cost of the Building Permit Applicant.
- 41. The planning permit holder must make all reasonable steps to ensure that the disruption to train operations within the railway corridor are kept to a minimum during the construction of the development and in compliance with the applicable Rail Operators Safety and Environmental assurance requirements.
- 42. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the commencement of works, the permit holder must prepare a report, to the satisfaction of the Head, Transport for Victoria and the Rail Operator, by a suitable qualified consultant, which demonstrates that all building materials (including glass/window treatments) visible from the rail corridor are non-reflective such that it will not adversely impact on rail operations and driver safety. The development must avoid using red, green or yellow colour schemes that may interfere with driver operations.
- 43. The permit holder must ensure that the operating of lights is directed away from the rail corridor to ensure no disruption to the operation of trains and visibility of train drivers to the satisfaction of the Head, Transport for Victoria and rail operator.

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44. No drainage, effluent, waste soil or other materials must enter or be directed to railway land from the development site or be stored or deposited on railway land by the proponent and must be connected to a legal point of discharge.
45. Entry onto railway land is at the discretion of the Rail Operator and is subject to the Rail Operator's Site Access Procedures and conditions during and post construction.
46. The permit holder must ensure that the common boundary with railway land is fenced during construction of the development to prohibit unauthorised access to the rail corridor. Any walls or fences on the common boundary with railway land must be designed and constructed with the agreement of the Head, Transport for Victoria, and be cleaned and finished using a graffiti proof finish or alternative measures used to prevent or reduce the potential of graffiti as approved by the Head, Transport for Victoria.
47. Access to railway assets by rail staff for the purposes of inspection, cleaning, maintenance and repair shall be maintained at all times. Existing access routes to railway land shall not be closed, diverted or modified without prior agreement by the Head, Transport for Victoria and the relevant Rail Operator.
48. The demolition and construction of the development must not disrupt bus operations on Neerim Road or Murrumbeena Road without the prior written consent of the Head, Transport for Victoria. Any request for written consent to disrupt bus operations on Neerim Road or Murrumbeena Road during the demolition and/or construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.
49. Prior to the commencement of development (excluding demolition, bulk excavation and site preparation), a detailed landscape plan prepared by a suitably qualified landscape architect must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The plan must be fully dimensioned, drawn to scale and include:
  - a) A schedule of all soft and hard landscaping treatments.
  - b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant, and all hard landscaping treatments, based on the Glen Eira City Council tree selection and planting guidelines.
  - c) A timetable for implementation of landscape works.
  - d) How the stage of landscape being proposed will integrate with the remainder of the landscaping on the site.
  - e) Details of the ongoing maintenance and monitoring procedures to ensure the ongoing health of landscaping.
  - f) Evidence that the development's landscaping and planting will not:

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- i. Interfere with train driver visibility or interpretation of rail signals upon completion or in the future;
- ii. Facilitate illegal access to railway land over boundary fence or wall via tree climbing upon completion or in the future cause damage to any rail assets or infrastructure, via root or branch ingress, upon completion or in the future.

### **Public Realm Management Plan**

50. Within six months of the commencement of the development, a public realm management plan must be approved and endorsed by Glen Eira City Council. The plan must be generally in accordance with the submitted Landscape Plan Drawing No. LD02 prepared by Mala, dated 27 August 2024, and must include:

- a) The detail as it relates to the public realm areas outside of the site shown on a separate plan.
- b) Plans, elevations, treatments and materials schedules prepared in conjunction with the Glen Eira City Council for Neerim Road (for the length of the site on its southern side only and excluding road resurfacing).
- c) Description of proposed works, including proposed nature-strip landscaping, footpath surface treatments, street furniture (including any relevant signage, bins, bicycle facilities).
- d) Details of any water sensitive urban design.
- e) A plan defining the area the works are to be undertaken.
- f) Vehicle and pedestrian access arrangements including any signage or safety measures as they relate to the building entrances.

Before the development is occupied, the requirements of the endorsed Public Realm Management Plan must be carried out and completed to the satisfaction of Glen Eira City Council.

### **Loading Management Plan**

51. Before any non-residential use in the development is occupied, a loading management plan must be approved and endorsed by the responsible authority in consultation with Glen Eira City Council. The loading management plan must be prepared to the satisfaction of the responsible authority and include the following details:

- d) Details of access and egress to the loading bay to ensure no unreasonable impacts to the street or queueing.
- e) Lighting of the loading bay and entry to the loading bay.
- f) The management of waste collection, loading and unloading of goods and materials to minimise vehicular, pedestrian and cyclist conflicts.

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- g) Details of how all users of the loading bay will be managed and coordinated to ensure loading and waste access is coordinated ahead of arrival time.
- h) Details of hours and mitigation measures to ensure noise and amenity impacts are minimised.
- i) Details of any mirrors and/or flashing lights to warn motorists, pedestrians and/or cyclist of potential conflict when loading vehicles enter/exit.

### **Green travel plan**

52. Before the development is occupied, a green travel plan must be approved and endorsed by the responsible authority. The green travel plan must be prepared to the satisfaction of the responsible authority, and must show how the development will implement strategies, targets and actions designed to encourage the use of sustainable modes of transport including walking, cycling, and public transport in lieu of single occupancy car trips.

### **Through links**

53. The operable doors to the through links (arcades), as shown on the endorsed plans, must remain publicly accessible between 6am and 10pm, 7 days per week, unless otherwise agreed with the responsible authority.

### **Pocket Plaza**

54. Aside from the areas set aside for outdoor dining associated with the approved retail tenancy (as shown on the endorsed landscape plan), the pocket plaza shown on the endorsed plans must be made available for public access 24 hours per day, 7 days per week, unless with the prior written consent of the responsible authority and except for temporary closures to enable the maintenance, repair, cleaning, health and safety emergencies and refurbishment works.

### **Run-off control**

55. Polluted and/or sediment laden run-off must not be discharged directly or indirectly into Glen Eira City Council drains or watercourses.

### **Plant/equipment or features on roofs**

56. No plant, equipment, services or architectural features other than those shown on the approved plans are permitted above the roof level of the buildings.

### **Concealed service pipes and equipment**

57. All pipes, fixtures, fittings vents, plant and equipment servicing any building on the land (excluding storm water down pipes, guttering and rainheads) must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.

### **Vehicular crossings**

58. Before the use starts or building/dwellings are occupied, vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible

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Authority and any existing vehicle crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

**Public services**

59. Any modification to existing infrastructure and services within the road reserve (including, but not limited to electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the permit holder to the satisfaction of the relevant authority. All expenses to undertake modification to infrastructure and services must be met by the owner of the land.

**Gas connection not permitted**

60. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed

**General amenity**

61. The amenity of the area must not be detrimentally affected by the use and development, including through:
- a) transport of materials, goods or commodities to or from the land
  - b) appearance of any building, works or materials
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - d) presence of vermin
- to the satisfaction of the responsible authority.

**Expiry**

62. This permit will expire if one of the following circumstances applies:
- a) The development is not started within three years of the issued date of this permit.
  - b) The development is not completed within five years of the issued date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

**USEFUL INFORMATION:**

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(the following information does not form part of this permit)

The permitted use or development may need to comply with, or obtain the following further approvals:

- The recommendations of a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006*.
- A building permit under the *Building Act 1993*.
- Glen Eira City Council Classified Tree Local Law, noting the Oak Tree is on the Classified Tree Register. <https://www.gleneira.vic.gov.au/our-city/classified-trees>

Vic Track Guideline – Crash Protection requirement

- A full risk assessment with the ARO should be conducted to ascertain the degree of further protective measures (if any) at the IDO building site, once design is finalised. Measures arising from the risk assessment are required to be to the satisfaction of the relevant Rail Operator. It is expected that full impact loading will not be required.

## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

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### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

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### WHEN DOES A PERMIT BEGIN?

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A permit operates:

- from the date specified in the permit; or
- if no date is specified, from–
  - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - ii. the date on which it was issued, in any other case.

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### WHEN DOES A PERMIT EXPIRE?

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1. A permit for the development of land expires if–
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

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- the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if–
    - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
    - the use is discontinued for a period of two years.
  3. A permit for the development and use of land expires if–
    - the development or any stage of it does not start within the time specified in the permit; or
    - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
    - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
    - the use is discontinued for a period of two years.
  4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision–
    - the use or development of any stage is to be taken to have started when the plan is certified; and
    - the permit expires if the plan is not certified within two years of the issue of the permit.
  5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

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### WHAT ABOUT REVIEWS?

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- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

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